

Washington, Wednesday, June 22, 1960

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Codification Guide

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following is now available:

Title 32, Parts 1000-1099,

Revised_____ \$6.50

Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Parts 210-399, Revised (\$4.00); Parts 900-959 (\$1.50); Part 960 to End (\$2.50); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 14, Parts 1-39 (\$0.65); Title 15 (\$1.25); Title 16, Revised (\$6.50); Title 17 (\$0.75); Title 18 (\$0.55); Title 19 (\$1.00); Title 20 (\$1.25); Title 21 (\$1.50); Titles 22-23 (\$0.45); Title 24 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (\$\$ 1.01-1.499) (\$1.75); Parts 1 (\$ 1.500 to End)-19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 1-399 (\$2.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 33 (\$1.75); Title 35, Revised (\$3.50); Title 36, Revised (\$3.00); Title 37, Revised (\$3.50); Title 38 (\$1.00); Title 39 (\$1.50); Title 42, Revised (\$4.00); Title 43 (\$1.00); Title 46. Parts 1-145 (\$1.00); Parts 146-149, Revised (\$6.00); Part 150 to End (\$0.65); Title 47, Parts 1-29 (\$1.00); Part 30 to End (\$0.30); Title 49, Parts 1-70 (\$1.75); Parts 71-90 (\$1.00); Parts 91-164 (\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, e.p-Telephone Worth 3-3261 proved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the

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The Federal Register will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 5—ADMINISTRATIVE **PERSONNEL**

Chapter I—Civil Service Commission PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the Feb-ERAL REGISTER, paragraph (e) (1) of § 6.113 is amended as set out below.

§ 6.113 Department of Labor.

(e) Bureau of Labor-Management Reports. (1) The Chief of the Division of National Investigations and the 11 top supervisory-investigator positions in the Division of National Investigations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERV-ICE COMMISSION, [SEAL] MARY V. WENZEL, Executive Assistant.

[F.R. Doc. 60-5730; Filed, June 21, 1960; 8:49 a.m.]

Title 6—AGRICULTURAL **CREDIT**

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B-LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Cotton Bulletin 2, Amdt. 1]

PART 427—COTTON

Subpart—1960 Choice (A) Cotton **Price Support Program Regulations**

SCHEDULE OF BASE PURCHASE RATES FOR CHOICE (A) UPLAND COTTON

Correction

In F.R. Doc. 60-5528, appearing at page 5431 of the issue for Friday, June 17, 1960, the rate for "Cairo, Alexander", under Illinois, should read "32.61" instead of "32.16".

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B-EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

[Amdt.2]

PART 517—FRUITS AND BERRIES, FRESH

Subpart—Cranberry Payment Program AMM 181a

The following interpretations and amendments are issued for the purpose

and additions to, the program terms and conditions:

Sec.

517.489 Sales on or before November 9, 1959.

517.490 Other sales.

Cranberries consigned. 517.491 517.492

Disposition of both screened and

unscreened berries. 517.493 Shrinkage.

517.494 Marketing and operating costs.

AUTHORITY: §§ 517.489 to 517.494 issued under sec. 32, 49 Stat. 774, as amended; 7 U.S.C. 612c.

§ 517.489 Sales on or before November 9, 1950.

Notwithstand any other provision of this subpart, any grower who, on or before November 9, 1959, sold all of his 1959-crop cranberries at a fixed price shall not be eligible for any payment under this program, even though he may not have received all or part of the sales price therefor.

§ 517.490 Other sales.

In cases in which a grower, or an association of growers operating under a pooling arrangement (hereinafter in this section included with the term "grower"), did not sell the grower's entire crop on or before November 9, 1959, the following provisions shall apply:

(a) Sales for a fixed price where title has passed. If a grower has sold his cranberries for a fixed price to a handler or processor and title to the cranberries has passed, this transaction has been completed. It is immaterial whether or not the handler or processor has disposed of the cranberries. If the grower received total payments of \$10.34 or more a barrel for screened berries or \$9.74 or more a barrel for unscreened berries, he is not eligible for payment under cranberry program. If he received total payments amounting to less than \$10.34 per barrel for screened berries or \$9.74 per barrel for unscreened berries, he may apply for payment under the program. If he received only a part payment in cash and has an account receivable for the balance of the sales price, he is not eligible to apply for payment under the program, unless the total of the cash payment received and the account receivable is less than \$10.34 per barrel for screened berries and \$9.74 for unscreened berries.

(b) Deliveries where title has not passed. If any cranberries have been delivered by the grower to a handler or processor under arrangements whereby title to such berries has not passed to the handler or processor, and whereby the grower has received no payment or only an advance payment of a portion of an anticipated ultimate sales price for such berries, and further payment is dependent upon disposition of such berries by the handler or processor, the grower may take back such quantity of such fresh or frozen cranberries which the

of effecting clarification and revision of, handler or processor still has on hand as is necessary to effect a complete or partial settlement of the transaction, without refund of any advance payment. The berries must be taken back either physically or by obtaining a warehouse receipt therefor. If the grower does this, he is eligible to apply for payment on such cranberries under the program.

(c) Sales on an adjustable price basis. If berries have been sold to a handler or processor on an adjustable price basis, and the berries have been canned or disposed of in commercial channels of trade, the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, will recognize an adjustment in accounts receivable, if (1) provision for such adjustment in the price of cranberries was included as a term of the sales agreement, (2) the grower furnishes satisfactory evidence of such provision, and (3) the adjustment is made in accordance therewith.

(d) Indefinite or borderline cases. In indefinite or borderline cases, growers should make individual application and give a full recitation of facts.

§ 517.491 Cranberries consigned.

If a grower has consigned cranberries to an agent for disposition other than under a pooling arrangement, the grower's signature, and not that of the agent, must appear on the application and on the invoices, although the grower's agent may fill out the forms. This must be handled on an individual grower basis and not under a pooling arrangement.

§ 517.492 Disposition of both screened and unscreened berries.

The grower or the grower's representative who disposes of part of the crop as screened berries and part of the crop as unscreened berries is entitled to an advance payment of not more than \$4.00 per barrel and total payments of not more than \$8.02 per barrel when the net proceeds of all sales of screened and unscreened berries are less than the sum obtained by adding the products of (a) the total number of barrels of screened berries harvested multiplied by \$10.34. and (b) the total number of barrels of unscreened berries harvested multiplied by \$9.74. This sum will be the amount shown in item 3 of the Invoice for Advance Payment.

§ 517.493 Shrinkage.

Shrinkage is the loss of weight after harvest caused by dehydration and spoilage. Shrinkage may occur prior to screening, or on screened cranberries held in fresh form, or on frozen cran-berries in storage. The weight of such shrinkage may be listed, on an equivalent screened basis, as "shrinkage" under item 4(b) on Invoice for Advance Payment if the records of the grower or his representative show actual shrinkage. On the Invoice for Final Payment, however, any shrinkage shown under item 4(b) shall be only the shrinkage on the quantity of cranberries disposed of and shall not include shrinkage on cranberries on hand as of time of preparation of the invoice or at close of business October 31, 1960, whichever is earlier.

§ 517.494 Marketing and operating costs.

Marketing and operating costs shown in item 4(c) on invoices for payment with respect to screened berries shown in item 1a of the application shall not include the cost of screening. The 60-cent differential between screened and unscreened berries, as provided in the terms and conditions of the program, covers the cost of screening; therefore, marketing and operating costs on screened berries begin after screening.

Effective date. This amendment shall become effective June 21, 1960.

Dated this 17th day of June 1960.

FLOYD F. HEDLUND, Authorized Representative of the Secretary of Agriculture.

[F.R. Doc. 60-5736; Filed, June 21, 1960; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 245—ADJUSTMENT OF STATUS
OF NONIMMIGRANT TO THAT OF
A PERSON ADMITTED FOR PERMANENT RESIDENCE

Application

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The first sentence of § 245.1 Application is amended to read as follows: "An alien whose deportability has not been established in proceedings under Part 242 of this chapter subsequent to January 1, 1960, may if he believes he meets the eligibility requirement of section 245 of the Act, file an application Form I-485 with the district director in whose district he resides."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the Federal Register. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits upon the persons affected thereby.

Dated: June 17, 1960.

J. M. SWING, Commissioner of Immigration and Naturalization. [F.R. Doc. 60-5733; Filed June 21, 1960;

8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E-AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-365]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL A R E A S , CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification

On March 5, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 1956) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 1 and the west alternate to Victor 1 between Wilmington, N.C., and Cofield, N.C., via a VOR to be installed near Kinston, N.C.

Although not mentioned in the Notice, this action will eliminate the requirement for the Kinston intersection as a designated reporting point. In lieu thereof, the Kinston VOR is being designated as a reporting point. Therefore § 601.7001 of the regulations of the Administrator, relating to domestic VOR reporting points, is being amended herein.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

In the text of § 600.6001 (24 F.R. 10503), "Wilmington, N.C., VOR; INT of the Wilmington VOR 014° and the Cofield VOR 209° radials; Cofield, N.C., VOR, including a west alternate from the Wilmington VOR to the Cofield VOR via the point of INT of the Wilmington VOR 352° with the Myrtle Beach, S.C., VOR 033° radials and the INT of the Wilmington VOR 014° and the Cofield VOR 209° radials; Norfolk, Va., VOR; Cape Charles, Va., VOR; INT of the Cape Charles VOR 008° and the Salisbury VOR 206° radials;" is deleted and "Wilmington, N.C., VORTAC; Kinston, N.C., VOR, including a west alternate from the Wilmington VORTAC to the Kinston VOR via the INT of the Wilmington VORTAC 352° True and the Kinston VOR 214° True radials; Cofield, N.C., VOR; Norfolk, Va., VORTAC; Cape Charles, Va., VORTAC; INT of the Cape Charles VORTAC 008° True and the Salisbury VOR 206° True radials;" is substituted therefor.

In the text of § 601.7001 (24 F.R. 10606), "Kinson INT: The INT of the New Bern, N.C., VOR 305° T and the

Rocky Mount, N.C., VOR 169° T radials." is deleted and "Kinston, N.C., VOR." is substituted therefor.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5707; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-FW-106]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL A R E A S , CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification

On March 5, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 1963) stating that the Federal Aviation Agency proposed to modify the east alternate to VOR Federal airway No. 51 and associated control areas between Jacksonville, Fla., and Macon, Ga.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

§ 600.6051 [Amendment]

- 1. In the text of § 600.6051 (24 F.R. 10511, 10876, 25 F.R. 629, 2011), "Alma, Ga., VOR, including a west alternate; Macon, Ga., VOR, including an east alternate from the Jacksonville VOR to the Macon VOR via the INT of the Jacksonville VOR 334° and the Macon VOR 125° radials;" is deleted and "Alma, Ga., VOR, including an E alternate via the INT of the Jacksonville VORTAC 334° True and the Alma VOR 133° True radials and also a W alternate; Macon, Ga., VORTAC:" is substituted therefor.
- 2. Section 601.6051 (24 F.R. 10599) is amended to read:
- § 601.6051 VOR Federal airway No. 51 control areas (Key West, Fla., to Chicago, Ill.).

All of VOR Federal airway No. 51 including E and W alternates, but excluding the airspace between the main airway and its W alternate from the Alma, Ga., VOR to the Chattanooga, Tenn., VOR.

These amendments shall become effective 0001 e.s.t., December 15, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5706; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-428]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL A R E A S , CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Associated Control Areas

On February 18, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 1468) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 3 from the Rancho, Fla., intersection to West Palm Beach, Fla., and the east alternate between Biscayne Bay, Fla., and West Palm Beach, Fla. Additionally, a west alternate to VOR Federal airway No. 293 was proposed between West Palm Beach, Fla., and La Belle, Fla.

The notice stated that if this action was taken, a west alternate to VOR Federal airway No. 298 between West Palm Beach and La Belle would be designated. This is in error and should have read: a west alternate to VOR Federal airway No. 293 between West Palm Beach and La Belle would be designated. This change, minor in nature, will be reflected in the appropriate amendment.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted; and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 600.6003 [Amendment]

1. In the text of § 600.6003 (24 F.R. 10503, 25 F.R. 2011, 25 F.R. 2662) "intersection of the Miami omnirange 205° radial and the Miami International Airport ILS localizer west course; Miami, Fla., International Airport ILS localizer; intersection of the Miami International Airport ILS localizer east course and the West Palm Beach omnirange 183° radial; West Palm Beach, Fla., omnirange station, including an east alternate from the intersection of the Miami International Airport ILS localizer east course and the West Palm Beach omnirange 183° radial to the West Palm Beach omnirange station via the intersection of the Miami International Airport ILS localizer east course with the Biscayne Bay, Fla., omni-

range 021° radial, and the intersection of the Biscayne Bay omnirange 021° with the West Palm Beach omnirange 168° radial;" is deleted and "INT of the Miami VORTAC 205° True and the Biscayne Bay, Fla., VOR 262° True radials; Biscayne Bay VOR; West Palm Beach, Fla., VORTAC, including an east alternate via the INT of the Biscayne Bay VOR 021° True and the West Palm Beach VORTAC 166° True radials;" is substituted therefor.

2. Section 600.6293 (24 F.R. 10525) is amended to read:

§ 600.6293 VOR Federal airway No. 293 (West Palm Beach, Fla., to St. Petersburg, Fla.).

From the West Palm Beach, Fla., VORTAC via the Pahokee, Fla., VOR; La Belle, Fla., VOR including a west alternate from the West Palm Beach VORTAC to the La Belle VOR via the INT of the West Palm Beach VORTAC 266° True and the La Belle VOR 112° True radials; to the St. Petersburg, Fla., VOR.

3. Section 601.6293 (24 F.R. 10605) is amended to read:

§ 601.6293 VOR Federal airway No. 293 control areas (West Palm Beach, Fla., to St. Petersburg, Fla.).

All of VOR Federal airway No. 293 including a west alternate.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5703; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

On April 16, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 3340) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 17 by designating an east alternate and its associated control areas between San Antonio, Tex., and Austin, Tex.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 600.6017 [Amendment]

1. In the text of § 600.6017 (24 F.R. 10507, 10391) "Austin, Tex., VOR, including a west alternate via the INT of the San Antonio VOR 002° and the Austin VOR 237° radials;" is deleted and "Austin, Tex., VORTAC, including a W alternate via the INT of the San Antonio VORTAC 002° True and the Austin VORTAC 237° True radials and also an E alternate via the INT of the San Antonio VORTAC 057° True and the Austin VORTAC 198° True radials;" is substituted therefor.

2. Section 601.6017 (24 F.R. 10598) is amended to read:

§ 601.6017 VOR Federal airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).

All of VOR Federal airway No. 17 including east and west alternates.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5705; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-11]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On April 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3179) stating that the Federal Aviation Agency proposed to designate a control zone at New Iberia, La.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (24 F.R. 10530) is amended as follows:

§ 601.2469 New Iberia, La., control zone.

Within a five-mile radius of the geographical center of the New Iberia, La., NAAS (latitude 30°02'15" N., longitude 91°53'02" W.), within two miles either side of the 158° True radial of the New Iberia TACAN, extending from the 5mile radius zone to a point 10 miles SE of the TACAN, and excluding the portion which coincides with the Lafayette, La., control zone (§ 601.2263).

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5702; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-314]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL A R E A S, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On December 29, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10916) stating that the Federal -Aviation Agency was considering amendments to Part 601 and \$601.1984 of the regulations of the Administrator which would modify the King Salmon, Alaska, control zone.

As stated in the notice, the present King Salmon control zone is designated. as a 5-mile radius zone centered on the The Federal King Salmon Airport. Aviation Agency proposed modifying the King Salmon control zone to include an extension within 2 miles either side of the 123° True and 303° True radials of a VORTAC to be installed approximately June 15, 1960, near King Salmon at latitude 58°43'31" N., longitude 156°45'00" W., extending from the 5-mile radius zone to a point 10 miles northwest of the VORTAC. This modification would provide additional controlled airspace for protection of aircraft conducting instrument approaches to and departing from the King Salmon Airport.

On March 24, 1960, a modified notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2497) stating that the Federal Aviation Agency was amending its original proposal. This amended proposal would modify the King Salmon control zone to include an extension within 2 miles either side of the 132° True and 312° True radials of the VORTAC extending from the 5-mile radius zone to a point 12 miles north-west of the VORTAC, instead of within 2 miles either side of the 123° True and 303° True radials extending from the 5mile radius zone to a point 10 miles northwest of the VORTAC. It was further proposed to designate an extension within 2 miles either side of the existing King Salmon TACAN 301° True radial from the 5-mile radius zone to a point 11 miles northwest of the TACAN. The 12-mile control zone extension based on the 132° True and 312° True radials will provide protection for aircraft conducting VORTAC instrument approaches to the King Salmon Airport, since the VORTAC instrument procedures are based on these radials. The 11-mile control zone extension based on the TACAN will provide protection for aircraft conducting TACAN instrument approaches to King Salmon Airport. The period for submitting written data, views or arguments was extended to April 15, 1960.

This action will result in the King Salmon, Alaska, control zone being redesignated within a 5-mile radius of the geographical center (latitude 58°40'40'' N., longitude 156°38'55'' W.), of the King Salmon Airport; within 2 miles either side of the 132° True and 312° True radials of the King Salmon VORTAC extending from the 5-mile radius zone to a point 12 miles northwest of the VORTAC; and within 2 miles either side of the King Salmon TACAN 301° True radial from the 5-mile radius zone to a point 11 miles northwest of the TACAN

The Aircraft Owners and Pilots Association objected to the two control zone extensions stating that in regard to the proposed extension based on the King Salmon VORTAC the need for flight of aircraft below 1000 feet above ground at a distance beyond 5 miles from the field was not established in the proposal; that a control zone extension to include that airspace around the VORTAC outside of the 5-mile radius zone would seem proper, but an extension to a point 10 miles beyond the VORTAC (15 miles from the airport) did not appear to be necessary or reasonable. The AOPA further stated that no information was contained in the modified proposal that justified either the extension based on the King Salmon VORTAC or the second extension based on the King Salmon TACAN.

The prescribed instrument approach procedures for the King Salmon radio range permit aircraft to descend to 700 feet MSL (637 feet above the elevation of the King Salmon Airport) after completion of the procedure turn when inbound to the radio range. The present instrument approach procedure for the King Salmon TACAN permits aircraft to descend to this same altitude when inbound to the TACAN. Under these circumstances, it is possible for aircraft to be outside of controlled airspace while conducting an authorized instrument approach procedure to the King Salmon Airport. Therefore, the extensions to the control zone based on the VORTAC and the TACAN are required to provided the additional protection necessary for aircraft conducting authorized instrument approaches to the King Salmon

Subsequent to the publication of the notice and modified notice, the commissioning date of the VOR portion of the King Salmon VORTAC was rescheduled to August 15, 1960. The TACAN portion of the VORTAC will not be commissioned until late 1961, therefore, reference to the TACAN portion is deleted from this rule.

No other adverse comments were received. The Department of the Air Force concurred in the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented. In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) and § 601.1984 (24 F.R. 10570) are amended as follows:

1. Section 601.2453 is added to read:

§ 601.2453 King Salmon, Alaska, control zone.

Within a 5-mile radius of the geographical center (latitude 58°40′40′′ N., longitude 156°38′55′′ W.) of the King Salmon Airport; within 2 miles either side of the 132° True and 312° True radials of the King Salmon VOR extending from the 5-mile radius zone to a point 12 miles NW of the VOR and within 2 miles either side of the 301° True radial of the King Salmon TACAN from the 5-mile radius zone to a point 11 miles NW of the TACAN.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 Five-mile radius zones, "King Salmon, Alaska: King Salmon Airport." is deleted.

These amendments shall become effective 0001 e.s.t., November 17, 1960. (Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5704; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-169]

PART 602 — ESTABLISHMENT OF CODED JET ROUTES AND NAVI-GATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Revocation of Segments of Coded Jet Routes

On January 7, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 124) stating that the Federal Aviation Agency was considering an amendment to §§ 602.512 and 602.112 of the regulations of the Administrator which would revoke the segment of VOR/VORTAC jet route No. 12 from Provo, Utah, to Pittsburgh, Pa., and the segment of L/MF jet route No. 12 from Denver, Colo., to Pittsburgh.

As stated in the notice, VOR/VORTAC jet route No. 12 presently extends from Provo, Utah, to Baltimore, Md. L/MF jet route No. 12 presently extends from Denver, Colo., to Baltimore, Md. The Provo to Pittsburgh route is adequately served by combinations of other VOR/VORTAC jet routes. The Denver to Pittsburgh route is adequately served by combinations of other L/MF jet routes. Revocation of the segment of Jet Route 12-V from Provo to Pittsburgh, which is closely paralleled by combinations of Jet Routes 56-V, 60-V, 14-V and 80-V; and revocation of the segment of Jet Route 12-L from Denver to Pittsburgh, which is closely paralleled by combinations of Jet Routes 30-L, 14-L and 10-L, will simplify the route structure. The actions taken herein will revoke the segment of VOR/VORTAC jet route No. 12, from Provo to Pittsburgh, and the segment of L/MF jet route No. 12, from Denver to Pittsburgh.

The Air Transport Association did not object to the revocation of the segments of Jet Routes 12-V and 12-L from Denver to Pittsburgh. The ATA, however, recommended that the segment of Jet Route 12-V from Provo to Denver be retained in order to provide a dual jet route between Provo and Salt Lake City, Utah, with radar flight advisory service, at a later date, and to permit flexibility in operations with regard to air traffic and meteorological conditions. Jet Route 56-V, which is being proposed for extension from Kremmling, Colo., to Denver in Airspace Docket No. 60-WA-23 (25 F.R. 1993), will provide for air carrier service between Denver and Salt Lake City. Furthermore, sufficient traffic is not anticipated to warrant the establishment of a dual jet route structure between these two points.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), \$ 602.512 (14 CFR, 1958 Supp., 602.512, 24 F.R. 2649) and \$ 602.112 (14 CFR, 1958, Supp., 602.112) are amended to read.

§ 602.512 VOR/VORTAC jet route No. 12 (Pittsburgh, Pa., to Baltimore, Md.).

From the Pittsburgh, Pa., VOR to the Baltimore, Md., VORTAC.

§ 602.112 L/MF jet route No. 12 (Pittsburgh, Pa., to Baltimore, Md.).

From the Pittsburgh, Pa., RR to the Baltimore, Md., RR.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5701; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-420]

PART 602 — ESTABLISHMENT OF CODED JET ROUTES AND NAVI-GATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On January 29, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 766) stating that the Federal Aviation Agency was considering an amendment to § 602.558

of the regulations of the Administrator which would modify the segment of VOR/VORTAC jet route No. 58 between Tonopah, Nev., and Amarillo, Tex.

As stated in the notice, J-58-V presently extends in part from Tonopah via Wilson Creek, Nev. (formerly Pioche, Nev.), Milford, Utah, Hanksville, Utah, and Alamosa, Colo., to Amarillo, Tex. The Federal Aviation Agency proposed to realign this segment of J-58-V from the Tonopah VOR via the Bryce Canyon, Utah, VOR, the Farmington, N. Mex., VOR, the intersection of the Farmington VOR 109° True and the Las Vegas 300° True radials, the Las Vegas, N. Mex., VOR to the Amarillo VORTAC. This action will realign approximately 400 miles of the jet route which is not presently served by radar into areas where more radar coverage is available and will reduce the over-all length of the route by approximately 20 miles.

The Department of the Air Force objected to realigning J-58-V from the Tonopah VOR direct to the Bryce Canyon VOR. The Air Force stated that this realignment would drastically reduce the Caliente jet training area of the Nellis Air Force Base, Las Vegas, Nev., and would adversely affect the activities conducted within the Tonopah, Nev., Restricted Area R-271, thereby, imposing a potential flight hazard and a serious adverse effect on present and future operations from Nellis AFB. The activities conducted within the Caliente jet training area and Restricted Area R-271 include pilot training and special weapons bombing sorties.

In view of the comments received regarding the proposed realignment of J-58-V between the Tonopah VOR and the Bryce Canyon VOR, this realignment was discussed by representatives of the Federal Aviation Agency, the Department of the Air Force and the Air Transport Association of America. As a result of these discussions, it was agreed that this segment of J-58-V should be realigned via the intersection of the Tonopah VOR 083° True and the Bryce Canyon VOR 289° True radials. The intersection of these two radials will be over the Wilson Creek VOR which will not be required as a part of the route. The Federal Aviation Agency recognizes that the realignment of J-58-V to overlie the Wilson Creek VOR will increase the over-all length of the modified segment of J-58-V by six miles. This alignment will, however, provide more separation between J-58-V and the activities conducted within the Tonopah Restricted Area R-271 and the Caliente jet training area thereby eliminating the probability of conflict between aircraft operating along J-58-V and aircraft maneuvering within the Caliente area and R-271 south of the Wilson Creek VOR.

No other comments were received regarding the proposed amendment.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 602.558 (24 F.R. 2650, 7608; 25 F.R. 635) is amended to read:

§ 602.558 VOR/VORTAC jet route No. 58 (Oakland, Calif., to New Orleans, La.).

From the Oakland, Calif., VORTAC via the Stockton, Calif., VOR; Tonopah, Nev., VOR; INT of the Tonopah VOR 083° True and the Bryce Canyon, Utah, VOR 289° True radials; Bryce Canyon VOR; Farmington, N. Mex., VORTAC; INT of the Farmington VORTAC 109° True and the Las Vegas, N. Mex., VOR 300° True radials; Las Vegas VOR; Amarillo, Tex., VORTAC; Dallas, Tex., VORTAC; Alexandria, La., VOR; to the New Orleans, La., VOR.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5700; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-431]

PART 602 — ESTABLISHMENT OF CODED JET ROUTES AND NAVI-GATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On December 30, 1959, a notice of proposed rule making was published in the Federal Register (24 F.R. 10986) stating that the Federal Aviation Agency was considering an amendment to Part 602 of the regulations of the Administrator which would establish VOR/VORTAC jet route No. 97 from Boston, Mass., to the United States/Canadian Border via Plattsburgh, N.Y.

As stated in the notice, the Federal Aviation Agency proposed to establish jet route J-97-V from the Boston VOR via the intersection of the Boston VOR 307° True and the Plattsburgh VOR 161° True radials, the Plattsburgh VOR, thence via the Plattsburgh VOR 341° True radial to the United States/Canadian Border. This route will provide a portion of a route for jet aircraft service between Boston and Anchorage, Alaska. The dog-leg between Boston and Plattsburgh was to avoid the Burlington, Vt., Restricted Area/Military Climb Corridor. However, subsequent to the issuance of the notice, the Department of the Air Force advised that there is no requirement for this climb corridor after May 30, 1960, and action has been initiated to revoke it. Therefore, the Federal Aviation Agency is establishing jet route J-97-V via the direct radials between Boston and Plattsburgh, thence via the Plattsburgh VOR 341° True radial to the United States/Canadian Border. The Department of the Air Force also recommended that J-97-V be established direct between Boston and Plattsburgh.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 602 (14 CFR, 1958 Supp., Part 602) is amended by adding the following:

§ 602.597 VOR/VORTAC jet route No. 97 (Boston, Mass., to United States/ Canadian Border).

From the Boston, Mass., VOR via the Plattsburgh, N.Y., VOR; thence via the Plattsburgh VOR 341° True radial to the United States/Canadian Border.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5699; Filed, June 21, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7610 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Charles Chester Shoe Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 Qualities or properties of product or service: § 13.170-12 Auxiliary, improving, or supplementary; § 13.170-22 Corrective, orthopedic, etc.; § 13-170-70 Preventive or protective. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charles A. Eaton Co., trading as Charles Chester Shoe Co. et al., Brockton, Mass., Docket 7610, May 1, 1960]

In the Matter of Charles A. Eaton Co., a Corporation Trading as Charles Chester Shoe Co., and Charles C. Eaton, Jr., Robert A. Eaton, Louis F. Eaton, Carl F. Bauer and Edward B. Hutton, Individually and as Officers of Charles A. Eaton Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging shoe manufacturers at Brockton, Mass., with representing falsely, in catalogs and sales aids furnished to their commission salesmen, that their "Charles Chester Air Cushion" stock shoes, produced by usual quantity production methods, would assure better body balance, furnish support of the feet where found to be individually indicated, and eliminate bunion pressure and fa-

tigue, aid circulation and improve foot health.

On the basis of a consent agreement, the hearing examiner made his intitial decision and order to cease and desist which became on May 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Charles A. Eaton Co., a corporation, trading as Charles Chester Shoe Co., or under any other name or names, and its officers, and Charles C. Eaton, Jr., Robert A. Eaton, Louis F. Eaton and Edward B. Hutton, individually and as officers of Charles A. Eaton Co., a corporation, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of shoes, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by any means, that the wearing of their shoes:

1. Will assure better body balance:

2. Will furnish support of the feet in those cases where support is found to be individually indicated;

3. Will eliminate bunion pressure, eliminate fatigue, aid circulation or improve the health of the feet.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Carl F. Bauer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents named in the preamble of the order to cease and desist shall, on or before June 30, 1960, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 2, 1960.

By the Commission.

[SEAL]

ROBERT M. PARRISH, Secretary.

[F.R. Doc. 60-5711; Flied, June 21, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F-PERSONNEL

PART 574—UNITED STATES SOLDIERS' HOME

Miscellaneous Amendments

Sections 574.3 and 574.5 are revised to read as follows:

§ 574.3 Persons eligible for admission to the home.

(a) The following personnel are eligible for admission to the Home, except as indicated in § 574.4:

(1) Over 20 years' service. Every soldier, airman, or warrant officer of the Army or Air Force of the United States,

who has had some service as an enlisted man or warrant officer in the Regular Army or Regular Air Force, who has served, or who may serve, honestly and faithfully 20 years or more; Provided, That in computing the necessary 20 years' time, all active service in the Army or Air Force, whether or not in the Regular components thereof, shall be credited. Service in the Navy or Marine Corps, or as a commissioned officer, cannot be counted.

(2) Service-connected disability. Every soldier, airman, or warrant officer of the Army or Air Force of the United States, whether or not in the Regular components thereof, who has had some service as an enlisted man or warrant officer in the Regular Army or Regular Air Force, rendered incapable of earning his own livelihood by reason of disease or wounds incurred in the military service of the United States and in line of duty and not the result of his own misconduct.

(3) Nonservice-connected disability. Every soldier, airman, or warrant officer of the Army or Air Force of the United States, whether or not in the Regular components thereof, who has served on active duty as an enlisted man or warrant officer in the Army or Air Force during any war, who has had some service as an enlisted man or warrant officer in the Regular Army or Regular Air Force, and who is, by reason of wounds, sickness, old age, or other disability, unable to earn a livelihood.

(b) Any service with an organization of the Regular Army during World War I is sufficient to meet the requirements of some service as an enlisted man or warrant officer in the Regular components of the United States Army or United States Air Force, required by paragraph (a) (1), (2), and (3) of this section.

(c) Admission to the United States Soldiers' Home is granted by the authority of the Board of Commissioners, and those so admitted to membership will be officially designated as members. Whenever the Home's facilities become limited to the extent that it appears that all eligible applicants cannot be accommodated, a system of priorities as authorized by the Board of Commissioners will be administered by the Governor of the Home, with the objective of granting admission to the most deserving.

§ 574.5 Applications for admission.

Personnel may obtain applications for admission to the United States Soldiers' Home and information concerning eligibility requirements by writing direct to the Board of Commissioners, United States Soldiers' Home, Washington 25, D.C. Letters authorizing admission are issued by the Board of Commissioners to those whose applications are approved.

[AR 905-10, May 31, 1960] (R.S. 4815, as amended; 24 U.S.C. 41)

BRUCE EASLEY, Major General, U.S. Army, Acting The Adjutant General.

[F.R. Doc. 60-5697; Filed, June 21, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND **NAVIGABLE WATERS**

Chapter II—Corps of Engineers, Department of the Army

PART 204-DANGER ZONE REGULATIONS

Choctawhatchee Bay, Florida

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.130 governing the use and navigation of danger zones in the Gulf of Mexico and Choctawhatchee Bay, Florida is hereby amended revising the title of the section, revoking paragraphs (a) (1), (2), (5), (6), and (b) (2), and revising paragraphs (b) (1) and (3) as follows:

§ 204.130 Choctawhatchee Bay, Aerial **Gunnery Ranges, Air Proving Ground** Center, Air Research and Develop-ment Command, Eglin Air Force Base, Fla.

- (a) The danger zones.
- (1) [Revoked]
- (2) [Revoked]
- (5) [Revoked]
- (6) [Revoked]
- (b) The regulations—(1) Aerial gunnery ranges. (i) The aerial gunnery range in the west part of Choctawhatchee Bay (described in paragraph (a) (3) of this section) may be used by watercraft except during periods when firing is conducted. During these periods, firing will be controlled by observation posts, and watercraft will be warned by patrol boats. During periods of firing, traverse of this area shall not be denied to regular cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the area, the officer in charge of gunnery operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and shall not delay its progress.

(ii) No vessel or other craft shall enter or remain within the aerial gunnery range along the north shore of Choctawhatchee Bay (described in paragraph (a) (4) of this section) at any time.

(2) [Revoked](3) Enforcing Agency. The regulations in this section shall be enforced by the Commander, Air Proving Ground Center, Eglin AFB, and such agencies as he may designate.

[Regs., June 7, 1960, 285/91 (Choctawhatchee Bay, Fla.)—ENGCW-0] (Sec. 7, 40 Stat. 266; 83 U.S.C. 1)

BRUCE EASLEY. Major General, U.S. Army, Acting The Adjutant General.

[F.R. Doc. 60-5698; Filed, June 21, 1960; 8:45 a.m.]

No. 121-

Title 43—PUBLIC LANDS: INTERIOR

Chapter I-Bureau of Land Management, Department of the Interior

APPENDIX-PUBLIC LAND ORDERS

[Public Land Order 2128] [Sacramento 058170]

CALIFORNIA

Partially Revoking Departmental Order of September 14, 1942 (American River Investigations)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of September 14, 1942, which withdrew lands in California for reclamation purposes in the first form in connection with the American River Investigations, is hereby revoked so far as it affects the followingdescribed lands:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 9 E.,

Sec. 14, NW 1/4 SE 1/4 and NE 1/4 SW 1/4 SE 1/4.

The areas described contain 50 acres. 2. The described lands shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and subject to prior existing valid settlement rights, preference rights conferred by existing law, or equitable claims subject to allowance and confirmation.

ROGER ERNST. Assistant Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60-5713; Filed, June 21, 1960; 8:47 a.m.1

> [Public Land Order 2129] [Nevada 045117]

NEVADA

Partially Revoking Departmental Order of May 12, 1938, Which Established Air Navigation Site Withdrawal No. 120

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of May 12, 1938, which withdrew lands in Nevada for use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities, as Air Navigation Site Withdrawal No. 120, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 10 S., R. 70 E., unsurveyed, Sec. 12, E½. T. 10 S., R. 71 E., unsurveyed.

Sec. 7, S1/2.

The areas described contain approximately 640 acres.

2. The land is within the Las Vegas Grazing District immediately northwest of the Nevada-Utah-Arizona corner and some 20 miles north of the community of Mesquite. The land is extremely rough and the site inaccessible.

3. Subject to any valid existing rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 21, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning at 10:00 a.m. on July 21, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

· ROGER ERNST, Assistant Secretary of the Interior. JUNE 15, 1960.

[F.R. Doc. 60-5714; Filed, June 21, ,1960; 8:47 a.m.]

RULES AND REGULATIONS

[Public Land Order 2130]

[Fairbanks 023815]

ALASKA

Partially Revoking Air Navigation Site Withdrawal No. 180 and Public Land Order No. 1519 of September 30, 1957

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), and as Secretary of the Interior, it is ordered as follows:

1. The departmental order of June 8, 1942, establishing Air Navigation Site Withdrawal No. 180, is hereby revoked so far as it affects the following-described lands:

FAIRBANKS MERIDIAN

T. 18 S., R. 8 W. (unsurveyed),

Sec. 19, SE 1/4 SE 1/4;

Sec. 20, NW 4 SW 4;

Sec. 30, N1/2 NW 1/4 NE 1/4, N1/2 SE 1/4 NW 1/4, and W1/2SW1/4.

T. 18 S., R. 9 W

Sec. 25, S1/2 SE1/4 and SW1/4 SW1/4 (unsur-

veyed); Sec. 26, S½ SE¼ (unsurveyed);

Sec. 35, N 1/2 SE 1/4.

The areas described aggregate approximately 480 acres.

2. Public Land Order No. 1519 of September 30, 1957, adding lands to Air Navigation Site No. 180 is hereby revoked. so far as it affects the following described lands:

T. 18 S., R. 9 W. Sec. 36, S1/2 N1/2.

The area described contains 160 acres, The lands are State-owned.

3. The lands are located at Summit, Alaska, at approximately Mile 312 of the Alaska Railroad. Topography is flat with a slight slope to the southeast. Soils consist of sand and gravel deposited by retreating glaciers, with a granite bed

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1, are hereby opened to settlement and to filing of applications, selections and locations, in accordance with the following, the unsurveyed lands being opened to such forms of applications, selection, and location as may by law be made of unsurveyed lånds:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on September 13, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject

to the provisions of the act of July 28. 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339; Public Law 85-508).

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 21, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, and selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to settlement under the Homestead and Alaska Homesite Laws, to applications and offers under the mineral leasing laws, and to location under the United States mining laws beginning at 10:00 a.m. on September 13, 1960.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

> ROGER ERNST. Assistant Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60-5715; Filed, June 21, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
[43 CFR Part 115]

REVESTED OREGON AND CALIFOR-NIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874) it is proposed to amend 43 CFR §§ 115.21 (a), 115.28(b) (1), and 115.174(a) (3) as set forth below. The purpose of these amendments is to eliminate the annual two-sale limitation on negotiated timber sales, provide a new schedule for payments and installments for timber sales, and clarify the provisions for fire suppression under rights-of-way permits.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the Federal Register.

SALE OF TIMBER

1. Paragraph (a) of § 115.21 is amended to read as follows:

§ 115.21 Negotiated sales.

- (a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, timber not exceeding an estimated volume of 100 M board feet, or if the timber is not measured in board feet, a quantity not exceeding \$2,000 in appraised value, to or for the benefit of any one person, partnership, association or corporation in any period of twelve consecutive months.
- 2. Subparagraph (1) of paragraph (b) of § 115.28 is amended to read as follows:

§ 115.28 Payments.

(b) * * *

(1) Installment payments shall be determined by the authorized officer. For sales up to \$100,000 installment payments shall be not less than 10 percent. For sales over \$100,000 installment payments shall be not less than \$10,000. For cruise sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of cutting operations: Provided, however, That

prior to paying the second installment the authorized officer may permit the purchaser to cut and remove timber on the location over which a road must be constructed under this contract if the purchaser pays for such timber in advance. Each subsequent installment shall be due and payable without notice when the value of the timber cut, equals the sum of all the payments minus the first installment. The total amount of the purchase price must be paid prior to 60 days before the expiration of the contract. The purchaser shall not be entitled to a refund on a cruise sale even though the amount of timber cut, removed or designated for cutting may be less than the estimated total volume shown in the contract.

PERMITS FOR RIGHTS-OF-WAY FOR LOGGING ROADS

3. Subparagraph (3) of paragraph (a) of § 115.174 is amended to read as follows:

§ 115.174 Terms and conditions of permit.

(a) * * *

(3) To take adequate precaution to prevent forest, brush, and grass fires; to endeavor with all available personnel to suppress any fire originating on or threatening the right-of-way on which a road is being used or constructed by the permittee or any fire caused by the permittee; to do no burning on or near the right-of-way without State permit during the seasons that permits are required and in no event to set fire on or near the right-of-way that will result in damage to any natural resource or improvement.

ROGER ERNST,
Assistant Secretary of the Interior.
June 15, 1960.

[F.R. Doc. 60-5718; Filed, June 21, 1960; 8:48 a.m.]

Bureau of Reclamation

[43 CFR Part 415]

DETERMINATION OF LOT LINES AND LEASING OF LOTS IN LAKEVIEW ADDITION, BOULDER CITY, NEVADA

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Boulder City Act of 1958 (72 Stat. 1726), it is proposed to add a new part to Title 43 of the Code of Federal Regulations. The purpose of this new part is to establish procedures for the determination of lot lines and the leasing of lots, the designation of streets, and initial construction or improvement of, or additions to, street, water, electric, and sewerage systems in that part of Boulder

City, Nevada, known as Lakeview Addition. In addition, this new part contemplates the transfer of Lakeview Addition by the United States to Boulder City, Nevada.

This proposed new part relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed new part to the Bureau of Reclamation, Washington 25, D.C., within thirty (30) days of the date of publication of this notice in the Federal Register.

ELMER F. BENNETT, Under Secretary of the Interior.

JUNE 16, 1960.

A new Part 415 is added to Title 43, Chapter II, reading as follows:

Sec.

415.1 Purpose.

415.2 Definitions.

415.3 Determinations by and duties of Regional Director.

415.4 Discretionary functions of the Regional Director.

415.5 Notices and offers to lease and selection of lieu lots.

415.6 Terms and conditions of leases.

415.7 Disposal of nonhabitable structures.
415.8 Treatment of costs of accomplishing functions prescribed by Act.

AUTHORITY: §§ 415.1 to 415.8 issued under sec. 15, 72 Stat. 1726.

§ 415.1 Purpose.

The purpose of this part is to supplement the Boulder City Act of 1958 (72 Stat. 1726), and to assist in carrying out the provisions of that Act relating to Lakeview Addition, Boulder City, Nevada. It establishes procedures relating to the determination of lot lines and the leasing of lots, the designation of streets, the determination of ownership of privately owned structures, the acquisition or relocation of privately owned structures required in order to accomplish the subdivision. It further refers to the expenditure of the amount authorized by section 6(b) (2) of said Act to be appropriated for the initial construction or improvement of, or additions to, street, water, electric, and sewerage systems for Lakeview Addition. It also provides for the transfer of Lakeview Addition by the United States to Boulder City, Nevada.

§ 415.2 Definitions.

As used in this part, the term:

(a) "Regional Director" means the Regional Director, Region 3, Bureau of Reclamation, or person designated by him to act in his behalf.

(b) "Act" means the Boulder City Act of 1958 (72 Stat. 1726).

- (c) "Boulder City municipal area" means the area in the State of Nevada as that area is defined in section 2(c) of the Act.
- (d) "Municipality" means Boulder City, Nevada, a municipal corporation, organized and existing under the laws of the State of Nevada.
- (e) "Lakeview Addition" means that portion of the Boulder City municipal area delineated on Map No. X-300-475, dated December 3, 1959, attached as Exhibit B to the Quitclaim Deed from the United States to Boulder City, Nevada, dated January 4, 1960, recorded on January 12, 1960, as Instrument No. 185058, in Official Records Book No. 228, Clark County, Nevada, where federally owned lands not under lease from the United States are occupied by privately owned structures.
- (f) "Privately owned structure" means a nonfederally owned dwelling inhabited as of January 4, 1960, by the owner or with the permission of the owner thereof or, if not so inhabited, which, in the Regional Director's opinion was habitable, as of January 4, 1960, including, in either case, any nonresidential structure appurtenant to such dwelling. For the purpose of qualifying for a lease under these regulations, the meaning of "privately owned structure" does not include a nonresidential structure or improvement which is not appurtenant to a habitable dwelling or which is not located on the same lot as said dwelling.
- (g) "Lieu lot" means a lot in Lakeview Addition other than a lot or area occupied in whole or part by a privately owned structure, which is determined by the Regional Director to be available for leasing.
- (h) "Interim occupancy agreement" means a document tendered by the United States and executed by the owner of a privately owned structure, the removal of which was determined necessary by the Regional Director, recognizing the occupancy of the lieu lot as selected, and will be of a duration extending from conclusion of selection of lieu lots until earliest practicable date when lease may be tendered.

§ 415.3 Determinations by and duties of the Regional Director.

- (a) The Regional Director shall:
- (1) Determine what initial construction or improvement of, or additions to, street, water, electric, and sewerage systems within Lakeview Addition are, in his opinion, necessary toward conformance with general standards for such utilities and facilities prevailing in the community and possible of accomplishment by the expenditure of such funds as may have been appropriated for such purposes pursuant to section 6(b) (2) of the Act;
- (2) Determine what are privately owned structures in Lakeview Addition, as hereinbefore defined;
- (3) Determine by such methods as he deems reasonable and feasible, who are the owners of the structures referred to in subparagraph (2) of this paragraph;
- (4) Determine and designate lot lines and streets in Lakeview Addition to conform as nearly as is reasonable and feasible, in his judgment, to the existing

- pattern of land occupancy in Lakeview Addition, including the designation, to the extent practicable, of lieu lots, as hereinbefore defined, and described the same on a map of Lakeview Addition;
- (5) Cause each lot, as above designated to be appraised in accordance with section 3(d) of the Act;
- (6) As soon as practicable, after completion of the work referred to in subparagraph (5) of this paragraph, offer in writing to lease each lot, as above designated, to the owner of the privately owned structure, located thereon and not requiring removal in order to accomplish the subdivision contemplated by section 4(b) of the Act:
- (7) List and designate on a map those lieu lots in Lakeview Addition which are found by him to be available for leasing and, by a notice to that effect, offer in writing to each owner of a privately owned structure in Lakeview Addition which, in the Regional Director's opinion, must be removed in order to accomplish the subdivision contemplated by section 4(b) of the Act, an opportunity to choose a lot from said list and subsequently occupy, and lease same, all in the manner provided under § 415.5(c).
- (8) Notify the owner of a privately owned structure or structures in Lakeview Addition who, pursuant to § 415.5 is offered either a lease of a lot occupied by said structure, or a lieu lot in Lakeview Addition and who fails to execute and return said lease or interim occupancy agreement and subsequently tendered lease, to the Regional Director within the allotted time, or who fails to accept an offer of an opportunity to choose a lieu lot, that said owner has lost his right to lease any lot in Lakeview Addition and must remove said structure or structures within thirty (30) days after such notification and that failure to comply with said notice will result in action by the Regional Director to take possession of the area and the structure or structures situated thereon;
- (9) Evict all persons occupying any area or structure in Lakeview Addition, the right to possession of which has vested in the United States pursuant to subparagraph (8) of this paragraph:
- (10) Transfer Lakeview Addition to Boulder City after completion of the work contemplated by subparagraph (1) of this paragraph, the leasing of lots, and other determinations and duties necessary to accomplish the subdivision at Lakeview Addition to the extent contemplated by the Act and these regulations:
- (11) Perform such work and take such other actions not inconsistent herewith, as in his opinion is necessary and desirable to accomplish the determinations and fulfill the duties herein established.
- (b) The Regional Director's determination hereunder shall be final and conclusive.

§ 415.4 Discretionary functions of the Regional Director.

- (a) The Regional Director, in his discretion, may:
- (1) Enter into an interim occupancy agreement, a lease, or both, with the owner of a privately owned structure in Lakeview Addition for a lot in Lakeview

- Addition determined by him to be available for leasing in lieu of a lease for the premises not designed as a lot but occupied by the structure in question;
- (2) Relocate a privately owned structure on the lieu lot selected by the owner of said structure, by means of Government forces or by contract with an independent contractor or by contract with the owner of the privately owned structure, when, in the Regional Director's opinion, the removal of the structure is necessary in order to accomplish the subdivision of Lakeview Addition contemplated by section 4(b) of the Act and such structure is so built that it may be relocated without an expenditure disproportionate, in the Regional Director's opinion, to the value of the structure, as determined pursuant to an appraisal made either by Federal Housing Administration or by independent appraisers designated by the Regional Director:
- (3) Acquire a privately owned structure, at its appraised value determined by the Regional Director pursuant to an appraisal of said structure made either by the Federal Housing Administration or by independent appraisers designated by the Regional Director, when in the Regional Director's opinion, the removal of the structure is necessary in order to accomplish the subdivision of Lakeview Addition contemplated by section 4(b) of the Act and such structure is, in the opinion of the Regional Director, not physically capable of being relocated or the cost of such relocation to the United States would be disproportionate to the value of the structure:
- (4) Sell, destroy, or otherwise dispose of property acquired by the United States pursuant to subparagraph (3) of this paragraph or which comes into the possession of the United States pursuant to § 415.3(a) (8) by such means or upon such terms and conditions as he deems proper.
- (b) The Regional Director's determinations hereunder shall be final and conclusive.
- § 415.5 Notices and offers to lease, including selection, occupancy, and lease of lieu lots.
- (a) How notice or offer shall be given. (1) Any notice or offer required or otherwise deemed necessary and desirable for the accomplishment of determinations or fulfillment of duties hereunder shall be in writing and shall be deemed to have been given to the owner or occupant of the structure or premises in question when either personally delivered to said individual, or mailed by, or on behalf of, the Regional Director to said owner or occupant to the last-known address of such person or persons as it may appear in the Boulder City Post Office or the tax records of Clark County, Nevada, all as evidenced by copy thereof deposited in the official files maintained by the Regional Director. A copy of any such notice may, in the Regional Director's discretion, be posted on said privately owned structure.
- (2) The offer of any lease shall be accompanied by the tender of a lease, which shall conform to the requirements of § 415.6.

- (b) Acceptance of lease. (1) The offer to lease a lot in Lakeview Addition other than a lieu lot may be accepted by the owner of the qualifying privately owned structure signing and returning the tendered lease to be received in the office of the Regional Director within thirty (30) days of the date said offer was given under paragraph (a) (1) of this section.
- (2) The offer to lease a lieu lot in Lakeview Addition may be accepted by the owner of the qualifying privately owned structure signing and returning the tendered lease, to be received in the office of the Regional Director within fifteen (15) days of the date said offer was given under paragraph (a) (1) of this section.
- (3) Failure by the owner of a privately owned structure, or qualified holder of a lieu lot whose status has been established pursuant to paragraph (c) of this section, to return the tendered lease as required under subparagraph (1) or (2) of this paragraph shall constitute a rejection of the offer and a waiver of all claim of said owner or occupant to lease a lot in Lakeview Addition.
- (c) Selection, occupancy, and lease of lieu lots. (1) All persons who are offered an opportunity to choose a lieu lot, and to subsequently occupy and lease same, in accordance with the notice provided for in § 415.3(a) (7), and who desire to be placed in order of opportunity to so choose, shall sign an application therefore which shall be enclosed with said notice and return the signed application to be received in the office of the Regional Director within fifteen (15) days of the date of the mailing of the notice, which is given in accordance with the provisions of paragraph (a) (1) of this section.
- (2) Failure of said person to return said application as required by subparagraph (1) of this paragraph shall constitute a rejection of such opportunity, and a waiver of any subsequent claim to occupy and lease a lot in Lakeview Addition.
- (3) Persons who sign and return the required application to choose a lieu lot shall be placed in order of opportunity to so choose pursuant to a drawing to be held at a time and a place specified in the notice.
- (4) At the drawing, the names of all applicants who have qualified shall be placed in a single container and withdrawn one at a time at random. A list designating order of preference shall be prepared showing each name in the order in which it is drawn. The persons whose names have been drawn or their representatives who, in the opinion of the Regional Director, are duly authorized to attend and act in their behalf, shall meet at a time and place designated by the Regional Director on a day not less than five (5) nor more than fifteen (15) days after the date of the drawing to exercise their preference to select such lieu lot pursuant to the drawing.

- (5) At 10 a.m., local time, on the date of which selections are to be made, those persons eligible to select shall meet at the designated place and make the selections in order of preference. Any preference right not exercised on the prescribed day shall be forfeited except that persons who, in the Regional Director's opinion, have not been given an opportunity to make a selection on the prescribed day because of the inability of an applicant who precedes them in the order in which the names were drawn to make a selection, may exercise their right on the day or days immediately following, all as determined by the Regional Director.
- (6) After selections of lieu lots have been made, the Regional Director will, provided the work referred to in § 415.3 (a) (5) has been completed, tender a lease which conforms to the requirements of § 415.6, acceptance of which shall be in accord with paragraph (b) (2) of this section.
- (7) In the event work referred to in § 415.3(a) (5) has not been completed when the selection of lieu lots has been completed, the Regional Director will tender an interim occupancy agreement to each individual who has made a selection. Failure to execute and return such interim occupancy agreement, to be received in the office of the Regional Director within ten (10) days after such interim occupancy agreement is tendered, shall be deemed to be a rejection of the offer to select or to occupy said lot and a waiver of all claim to subsequently lease any lot in the Lakeview Addition.
- (8) The continued validity of said interim occupancy agreement shall be conditioned upon the selectee making suitable arrangements for vacating the premises occupied by the structure, to be relocated or acquired, within fifteen (15) days of the date of notice of the Regional Director's determination made pursuant to § 415.4(a) (2) or (3).

§ 415.6 Terms and conditions of leases.

- (a) The term of the lease will be ten (10) years.
- (b) The rental per annum shall be five percent (5%) of the appraised value of each lot as established pursuant to § 415.3(a) (5).
- (c) The lease shall include an option to purchase the lot in accordance with the provisions of the Act, upon terms of payment specified by the municipality.
- (d) The continuing validity of the lease shall be conditioned upon the lessee making proper connections to water, electric, and sewerage systems; disposing of all rubbish and debris on the lot; and maintaining the premises in a manner satisfactory to lessor; and may be conditioned on the lessee's rehabilitation, replacement, or relocation of any or all structures occupying the land in order to bring about, in the Regional Director's opinion, closer conformance with general standards prevailing in the community.
- (e) Where the Regional Director acquires a privately owned structure from the owner thereof, pursuant to § 415.4 (a) (3), and leases a lieu lot to said

- owner, the lease of a lieu lot will require lessee to complete the construction of a habitable dwelling thereon, in accordance with standards of construction reasonably adequate in the opinion of the lessor, within one year of execution of the lease, unless the lessee exercises his option, pursuant to paragraph (c) of this section prior thereto.
- (f) All leases may include such other terms and conditions as may be deemed necessary by the Regional Director in the interests of the United States and Boulder City and for the effectuation of the Act.
- (g) The forms of the interim occupancy agreement and the lease will be available for examination in the Regional Director's office.
- (h) If the purchaser desires to record his lease at his expense in the official records of Clark County, Nevada, he should have his signature acknowledged before a notary public prior to returning the lease to the office of the Regional Director.

§ 415.7 Disposal of nonhabitable structures.

Where the Regional Director determines that federally owned land in Lakeview Addition is occupied by (a) a nonresidential structure or remnant thereof which is not appurtenant to a habitable residence, or (b) an unoccupied residential structure or remnant thereof which was not habitable as of January. 4, 1960, he shall endeavor to ascertain the owner thereof and shall require said owner to remove the aforesaid structure or remnant within thirty (30) days from the date a written notice to that effect is mailed by or on behalf of the Regional Director to said owner at his last-known address as it may appear in the Boulder City Post Office or the tax records of Clark County, Nevada. A copy of said notice shall also be posted on said structure or remnant. If said owner fails to remove said structure or remnant thereof, as required by said notice, or if the Regional Director is unable to ascertain who the owner of said structure or remnant therof is, the Regional Director shall, after making a record of the condition of said structure or remnant, take action to remove said structure or remnant thereof from the federally owned property in Lakeview Addition in any manner he deems to be satisfactory.

§ 415.8 Treatment of costs of accomplishing functions prescribed by Act.

The Regional Director may direct the expenditure out of the Boulder City Municipal Fund of moneys necessary to meet the costs of carrying out the functions and responsibilities of the United States, the Secretary of the Interior, or the Regional Director under the Act and the regulations promulgated thereunder, except that if the amount referred to under § 415.3(a) (1) is appropriated from general funds, the Regional Director shall direct the expenditure of such sum for the purposes appropriated.

[F.R. Doc. 60-5717; Filed, June 21, 1960; 8:47 a.m.]

Office of Minerals Exploration [30 CFR Part 301]

REGULATIONS FOR OBTAINING FED-ERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RE-SERVES

Eligible Minerals or Mineral Products and Disposition of Property Belonging to the Operator and the Government Jointly

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Public Law 85–701 (72 Stat. 700) it is proposed to amend 30 CFR Part 301. The purpose of this amendment is to make additional types of asbestos and beryllium ores eligible for exploration assistance offered under these regulations and to clarify the provisions for filing applications and the provisions for disposition of property belonging to the operator and the Government jointly.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Office of Minerals Exploration, Washington 25, D.C., within thirty days of the date of publication of this notice in the Federal Register.

ELMER F. BENNETT,
Acting Secretary of the Interior.

June 16, 1960.

§ 301.3 [Amendment]

- 1. In § 301.3 the word "(strategic)" following asbestos, second in the list of minerals, is deleted, and the word "Beryl", fourth in the list of minerals, is changed to "Beryllium".
- 2. In § 301.5 the word "by" is changed to "with" to make the introductory sentence read:

§ 301.5 Form and filing.

An application for Federal financial assistance must be submitted in triplicate on forms which may be obtained from and filed with either:

3. Section 301.15 is amended to read as follows:

§ 301.15 Title to and disposition of property.

Facilities, buildings, fixtures, equipment, or other items or groups of items (such as pipe, rail, steel, etc.), costing more than \$50.00 each, paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contributions to the extent set forth in the contract. The exploration contract shall make suitable provisions also for their disposal for the joint account of the operator and the Government,

[F.R. Doc. 60-5716; Filed, June 21, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-A2]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Administrator. Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Washington, D.C., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Washington, D.C., on February 8, 1960, pursuant to notice thereof which was issued January 27, 1960 (25 F.R. 805).

The material issues on the record of the hearing relate to:

- 1. The definition of "dairy farmer for other markets".
- 2. Location differential adjustments to handlers.
- 3. Accounting for milk received from farmers in bulk tank trucks.
- 4. Date of announcement of uniform price and dates on which payments to and from the producer settlement fund are made.

Findings and conclusions. The findings and conclusions relative to issue No. 1 were dealt with in a separate decision issued by the Assistant Secretary on March 15, 1960 (25 F.R. 2261). The following findings and conclusions on issues 2, 3, and 4 are based on evidence presented at the hearing and the record thereof:

2. The provisions of the order relative to location differential adjustments on Class I milk should not be changed.

The particular provision of the order at issue concerns the allowance for transportation cost which applies at pool plants 75 miles or more from the milestone in Washington, D.C. Such allowance is expressed as a differential to be subtracted from the Class I price and thus tends to equalize at the marketing area the minimum prices for Class I milk originating from nearby and more distant sources. In the case of milk transferred between plants, the location allowance applies only to that part of the transferred milk which is needed for Class I use in the transferee plant. Accordingly, the provision calls for a computation which assigns transferred milk to available Class II disposition in the transferee plant before assigning any to Class I disposition. Further, in any case where a pool plant receives milk from more than one other plant, the computation of location differential allowance for the transferring plants requires that the Class II milk in the transferee plant be assigned first to the transferor plant having the largest differential, and so on in sequence to that plant having the smallest differential.

The system of order pricing thus recognizes the cost of transportation for moving milk from outlying plants to the marketing area. Other movements of milk directly from producers' farms to plants in the marketing area are subject to hauling charges which are paid by each producer. These hauling charges are allowable under the order, but the rate is not specified. Under these circumstances, all milk moving to the market whether directly from farms or through plants, is subject to transportation charges which are borne by producers.

A proposal of the Queen City Cooperative Dairy would provide that, for the purpose of computing location differential credit to a handler transferring milk from his pool plant to another pool plant, the transferred milk should be considered to be Class I and Class II milk in the same proportion as all milk in the transferee plant.

The Queen City Cooperative operates plants at South Cumberland, Maryland, and Meyersdale, Pennsylvania, 146 and 169 miles, respectively, from the milestone in Washington, D.C. Location differentials of 24 and 27 cents per hundredweight, respectively, are applicable at these plants. These plants qualify for pool status on the basis of shipments to a pool plant from which fluid milk is distributed in the marketing area. In addition to receipts of milk from the two plants operated by the Queen City Cooperative, the pool distributing plant receives milk directly from nearby sources.

Utilization at the plant to which the proponent ships milk is largely for fluid distribution, but the plant also manufactures cottage cheese and sour cream. Cream in excess of plant requirements is disposed of to other plants for manufacturing purposes.

For the purpose of illustrating the effect of the proposal, it may be assumed that all of the Class II milk at the pool distributing plant is assigned to the milk from the Queen City plants. The Class II utilization at the distributing plant was said to be usually about 5 percent of total receipts from all sources. This would be equal to about 5.5 percent of the milk from the Queen City plants, which supply about 90 percent of the

milk received. On the basis of these figures, 5.5 percent of the shipped-in milk would be assigned, under the existing order provisions, to Class II milk for purposes of computing the location allowance. Under the proposed revision, the percentage of shipped-in milk assigned to Class II milk should be 5 percent.

The possible effects of the proposal are not confined to the particular situation of the proponent, however, and should be examined in light of its implications for the entire market.

The proponent witness pointed out that some other Federal orders provide different methods of computing transportation allowance, including one similar to that proposed here. The question must be raised in this connection, however, whether the particular circumstances in this market justify such broader application of the transportation allowance. Under the Washington order the entire value of all producer milk is pooled under a marketwide pool. Accordingly, any increase in the transportation allowance on the milk shipments from any one plant would be an additional cost borne by all producers in the market. It was not shown, however, that such additional cost to the pool resulting from this proposal would be justified on the basis of needs of the Class I market. On the contrary, the circumstance that the operations at the distributing plant include the regular manufacture of cottage cheese and sour cream raises the question of whether the milk shipped is partly for the purpose of supplying such Class II business.

The need to limit the application of the transportation allowance must be considered in the light of possible supply arrangements which, under the proposal, would result in a greater cost to the market pool than under the present order provision. For instance, if a distributing plant receives just enough milk directly from farmers to cover its Class I milk distribution, and also carries on a Class II milk manufacturing operation which uses an equal, additional volume of milk, then any milk shipped to such plant from a plant where a location differential applies would not be eligible for transportation allowance under the present order. Under the proposal, however. there would be a deduction from the value of the market pool of the amount of the location differential on half of such shipped-in milk. This cost to producers would be in addition to the hauling charges paid by those producers whose milk moved directly from their farms to the first plant. Under this situation, it is clear, that producers for the market would be bearing part of the cost of moving milk going into manufacturing uses. This result is not within the purpose of the Class I milk transportation allowance previously stated herein.

3. Payment for bulk tank milk should be based upon the quantity measured at each farm.

A proposal made by a handler would provide that for producers who have farm tanks, payment would be on the basis of the quantity of milk measured by scales (or other device) at the handler's plant, rather than on the quantity of milk in each farm tank as determined by dip-stick readings made at the farm. Any difference between the plant weight and the stick readings would be prorated to the producers whose milk deliveries are included in the same tank truck, using the amounts resulting from the respective stick readings and their sum as the basis for such proration.

Most of the milk of producers for this market is picked up at farms by tank trucks. Ordinarily the milk of several farmers is combined in one truck load before delivery to the plant. It is customary that the quantity of milk picked up at each farm is measured by use of a dip-stick or other device for measuring the level of the milk in the farm tank. This measurement is converted to pounds. of milk on the basis of a chart or table which shows quantities corresponding to each such measurement. The producer of the milk is furnished a receipt for such quantity of milk drawn from the tank. Such method of accounting for milk to the producer has become accepted practice not only in this market but generally in markets where farm tanks have been put in use.

It was contended by proponent that the quantities of milk delivered to his plant in tank trucks as measured by his plant scale are consistently less than the total of the quantities measured by the hauler at the farms from which the milk on the truck is obtained. Various reasons cited as to why differences could occur included inaccurate calibration of the farm tank, failure of the milk hauler to pump all of the milk out of the farm tank, errors in reading the level of milk in the tank, errors in recording the quantities, and losses of milk after being pumped into the tank truck but prior to being placed in a holding tank at the plant. It was contended further that regardless of how perfectly the calibration may be made for any farm tank, the measurement of milk quantities based thereon can be only an approximation of the actual quantity.

As to the amounts of differences which actually have occurred, however, the proponent handler did not present specific data showing actual experience. The only data presented on the record from actual experience were given by a cooperative association engaged in picking up milk at farms in its own tank trucks and delivering such milk to handlers' plants. It found the indicated loss between farm measurements and plant weights in one month to be 19,070 pounds in the handling of approximately 60 million pounds of milk. This amounted to a difference of farm tank measurements over plant scale readings of about 3/100 of one percent of the milk involved. In another month the total of the plant scale readings exceeded the total of quantities shown by farm tank measurements, in this case also by a very small percentage. A handler other than proponent testified that scale weights at his plant have been both above and below the farm stick measurements on the same milk.

On the basis of the only statistical data submitted on the record, it must be concluded that the normal differences have been relatively small. It is not unreasonable with present-day facilities for measuring, to consider some variation in results between these two methods as normal, even in situations where the farm tank calibrations and the plant scale have been checked by public authorities. In other words, there are practical limits of accuracy in either method of measuring the quantities of milk deliveries by the producer.

As previously stated, the proposal of the handler would base his obligation to producers upon the quantity of milk as determined by his plant scale rather than on the individual quantities measured at producer farms. In such weighing of the truck load as delivered to the plant, the individual quantities from each producer, of course, are obscured. The Act, on the other hand, requires that each order issued thereunder shall establish uniform, minimum prices to all handlers based upon use classification of the milk and provide for the payment of uniform prices to all producers. To fulfill these requirements, preserving equity among handlers and in the distribution of returns among individual producers, there must be a uniform method by which the milk from each producer may be known before it is combined with other milk.

The proposed method of arriving at the quantity of milk for which an individual producer would be paid would be subject, however, to aberrations not strictly related to the measurement of such producer's milk. For example, if under the proposed method, an error occurred in the measurement of milk at any farm, the error would be reflected in the returns to all producers whose milk was picked up in the same truck load.

From a practical standpoint the only available method of measurement which, in the bulk of cases, may be applied to the milk of each producer individually is that taken at the farm. In the unusual case where a single producer's milk constitutes the entire load for one tank truck, the same basis of measurement should be used in order to maintain equity among producers and a uniform method of accounting for milk by handlers. There is in this case, however, an opportunity to compare the two kinds of measurements on the same producer's milk, and if, in any particular instance an unusual difference occurs, the proper resolution should depend on available evidence as to the cause. The proposed method of plant scale reading should not be adopted as the basis of accounting for deliveries to handlers by individual producers.

4. The date on which the uniform price must be announced should be changed from the 10th to the 11th of each month.

Handlers' reports of receipts and utilization must be submitted to the market administrator no later than the 8th day of each month. Such reports are used by the market administrator to compute and announce the uniform price on or before the 10th day of each month. When a weekend or holiday falls in the period between the date on which reports are due and on which the uniform price must be announced, an unnecessary burden is placed on the market admin-

istrator in announcing the uniform price by the date specified. The proposed change would not affect the date on which payments to producers are made for their milk. The change was unopposed at the hearing.

To be consistent with the announcement of the uniform price on the 11th day of each month, the dates on which payments to and from the producer settlement fund are made should be changed from the 11th and 12th day of each month, respectively, to the 12th and 13th day of each month, respectively.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Washington, D.C., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the

regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

- 1. In § 902.22, delete the word "10th" in paragraph (j) (2) and substitute therefor "11th".
- 2. In § 902.84, delete the word "11th" and substitute therefor "12th".
- 3. In § 902.85, delete the word "12th" and substitute therefor "13th".

Issued at Washington, D.C., this 17th day of June 1960.

ORIS V. WELLS, Administrator.

[F.R. Doc. 60-5737; Filed, June 21, 1960; 8:50 a.m.]

[7 CFR Part 928]

[Docket No. AO-227-A10]

MILK IN NEOSHO VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pittsburg, Kansas, on January 14–15, 1960, pursuant to notice thereof issued on December 23, 1959 (24 F.R. 10913).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 11, 1960 (25 F.R. 4327) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

- 1. The level of the Class II price;
- 2. Expansion of the marketing area;
- 3. Revision of the Class I price and provisions regarding handlers subject to other orders;
- 4. Providing a separate subclassification and lower price for concentrated milk products;
- 5. Providing a separate classification and lower price for milk used to produce specified manufactured dairy products;
- 6. Changing the scope of regulation by raising the pool plant requirements and limiting the diversion privilege;
- 7. Providing for individual-handler pools:
- 8. Changing the base-setting months; 9. Substituting a modified take-out and pay-back plan for the base rating plan; and
 - 10. Administrative changes.

Issue number 1 was dealt with separately and an order amending the order was issued March 28, 1960 (25 F.R. 2722).

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2, Marketing area. The marketing area should be expanded to include Chautauqua County, Kansas.

At the time of the hearing all of the milk being sold in this county was priced under the Neosho Valley and Wichita milk marketing orders. While there is, therefore, no immediate change in milk marketing conditions to be provided by the extension of regulation in this county, such extension will provide assurance to the present handlers that effective minimum prices will apply to all handlers who may enter the sales territory. The major portion of sales are by handlers regulated under the Neosho Valley order and it is, therefore, appropriate that the county be included in this marketing area. No opposition to the proposed expansion was expressed at the hearing or in the briefs filed by inter-

The marketing area should not be expanded to include the three Oklahoma counties of Washington, Nowata, and Craig. Such expansion would bring under regulation two handlers who are not now subject to any orders. One of these is operating as a producer dealer and distributing only in Nowata County. The other purchases milk from eight dairy farmers and distributes in Craig County and also in Ottawa County, which was not proposed to be regulated.

ested parties.

The major portion of Class I sales in each of the three Oklahoma counties is made by handlers regulated under the Neosho Valley and Oklahoma Metropolitan orders. There was no evidence that producers supplying the unregulated plants are facing any milk marketing problems which would prompt them to request extension of regulation. Neither was it shown that any regulated handlers in either of the adjacent regulated markets, faced any competitive problems with the unregulated handlers which were based on prices paid for milk.

In the circumstances, the three Oklahoma counties should not be included in the Neosho Valley marketing area.

3. Class I price. There should be no change in the Class I price provisions of the order nor in the provisions regarding milk marketed by handlers operating plants subject to other Federal orders

The essential elements of the Class I price problem include the ability and willingness of local shippers to continue to furnish an adequate supply of milk to the local handlers and the relationship of the Neosho Valley Class I price to that prevailing in the other directly competitive markets.

In recent years, the fully regulated Neosho Valley handlers have obtained their entire supplies of Class I milk from regular producers. However, there has been a significant shift in the origin of such producers. In August 1958, a substantial number of new shippers were shifted from the Ozarks market to the Neosho Valley market and an additional number were similarly transferred in August 1959. On the other hand, there has been a loss of shippers from the Neosho Valley market into northeastern Oklahoma. In addition, the handler

drawing milk from the northeastern Oklahoma territory has paid significant premiums in order to hold his remaining shippers.

Handlers regulated under other Federal orders have substantial route sales in the Neosho Valley marketing area. At the time of the hearing this competition included handlers regulated under the Ozarks, Kansas City and Wichita orders. Neosho Valley handlers also compete for sales outside the marketing area with handlers regulated under the Oklahoma Metropolitan and Ozarks orders. Such competition is most extensive with respect to handlers regulated under the Oklahoma Metropolitan order located at Tulsa and Ponca City which are in the minus 10-cent zone. The major Neosho Valley handlers distribute fluid milk throughout the Neosho Valley market.

The Neosho Valley Class I price is determined by a basic formula plus a Class I differential which averages \$1.34. This price is further subject to limits of the Ozarks Class I price plus 15 cents and the Oklahoma Metropolitan Class I price less 33 cents. Effective April 1, 1960, the Ozarks Class I price is in fixed relationship to the St. Louis Class I price inclusive of a supply-demand adjustment based on St. Louis utilization data, and St. Louis, in turn is tied to the Chicago Class I price. Official notice is hereby taken of the Assistant Secretary's decision of March 24, 1960, regarding proposed amendments to the Ozarks milk marketing order (25 F.R. 2626). Kansas City Class I price averages \$1.35 over a basic formula price and is subject to a supply-demand adjustment; the Wichita Class I price is \$1.65 over a basic formula price and is subject to a supplydemand adjustment and the Oklahoma Metropolitan Class I price averages \$1.85 over a basic formula price and is subject to a supply-demand adjustment.

In 1957 the Neosho Valley Class I price for 4.0 percent milk averaged \$4.83, in 1958 it was \$4.78, and in 1959 it was \$4.77. For the same years the Class I prices for 4.0 percent milk in the Ozarks (at Springfield, Mo.) averaged \$4.40, \$4.40 and \$4.40, in Kansas City \$4.85, \$4.81 and \$4.75, in Wichita \$5.19, \$5.06 and \$4.98, and in Oklahoma, at Tulsa and Ponca City, \$5.10, \$5.09 and \$5.07.

Since the Neosho Valley milk market is affected by competition in procurement from handlers in these other markets some of which operate on higher and some on lower price levels, it is impossible to establish a uniform Class I price for the Neosho Valley market which is in close alignment with each of these other markets.

The possibility of establishing price zones within the Neosho Valley market was extensively explored at the hearing. Such consideration was in terms of a lower priced zone at Joplin, Missouri, where the competition from Ozarks handlers is most extensive and where Neosho Valley producer prices appear most attractive to Ozarks shippers, and to a higher priced zone in the western part of the market, including Coffeyville, Kansas, where procurement and sales competition with the Oklahoma handlers is most extensive. However, zoning does

not appear from this record to be an adequate solution to the price alignment problem because handlers located in the western part of the market at points such as Coffeyville and Parsons sell milk throughout the marketing area and beyond it, while the Joplin handlers also cover the entire market. Therefore, zone pricing would create lack of uniformity in prices paid by handlers competing within the Neosho marketing area.

Under the Neosho Valley order, there is a charge on milk distributed in the area from plants subject to any other Federal order under which the Class I price is less than under the Neosho Valley order. It was proposed at the hearing that this charge be eliminated. The payment, at a rate based on the difference in Class I prices at the location of the plant at which the milk is received from farmers, is paid into the producer settlement fund of the order under which such farmer's milk is pooled and priced.

In practice, the payment applies only to milk received at plants regulated under the Ozarks order. This payment is designed to assure the Neosho Valley handlers that Ozarks handlers will not have a competitive price advantage in distributing milk within the Neosho market at a lower Class I price than that prevailing under this order.

It is concluded that no change should be made in the pricing provisions relative to Class I sales in the Neosho Valley market by handlers regulated under other Federal orders.

4. Concentrated milk products. The proposal for separate classification and a 30-cent lower price on "concentrated milk products marketed in competition with fluid Grade A milk" should not be adopted.

This proposal referred to concentrated milk products other than evaporated milk. Such products are still in the preliminary stages, of development and market acceptance. They include various frozen and hermetically sealed concentrates which are designed to provide longer keeping quality than fresh fluid milk but are not considered evaporated milk.

No such products are currently being sold in the Neosho Valley marketing area. At this time, it is not possible to develop an accurate definition of the product involved or to determine the manner in which plants which might produce a given concentrated milk product might be regulated. There is, therefore, no basis at this time for developing appropriate amendments to the order to deal with concentrated milk products.

5. Proposed Class III. It was proposed that milk used to produce butter, nonfat dry milk, hard cheese, and evaporated milk be classified separately in a new Class III and be priced at the level of prices paid by local manufacturing plants. This was advanced as a counterproposal to the proposals for increasing the Class II price.

The Class II price issue was considered in the decision of the Assistant Secretary, issued March 22, 1960 (25 F.R. 2535). The amendments described in the decision became effective April 1, 1960. The decision dealt with all manu-

facturing uses of pooled milk in this market and the proposals for a separate Class III is, therefore, denied on the basis of the findings in that decision.

6. Pool plants and diversion. The notice of hearing contained two proposals for raising the pool plant standards and two for limiting the diversion privilege. One of the pool plant proposals was not supported by its proponent at the hearing.

The principal bargaining association of producers contended that an unduly low Class II price was in fact the principal factor in the rather large portion of Class II milk carried by some handlers in this market. Moreover, the conversion from the handling of milk in 10-gallon cans to farm bulk tanks is taking place in this market. The association desires a maximum degree of flexibility in the movement of milk from farm to market during the transition period. It also expects to be able to reassign milk between handlers, thereby reducing the need for amendment of the pool plant requirements.

Official notice is taken that the order was amended effective April 1, 1960, to raise the Class II price. It is concluded that the effects of this action and of further conversion to bulk tank pickup should be studied before any further consideration is given to amendment of the pool plant standards or the diversion provisions.

7. Indvidual-handler pools. The proposal to substitute individual-handler pools for the marketwide pool was made by the handler who procures a portion of his supply from producers located in Oklahoma. With respect to this supply, he is in direct competition with Oklahoma handlers at higher blend prices and has paid premiums in order to hold these shippers.

This handler has also had a higher annual average utilization than the marketwide average. Individual-handler pools would, therefore, enable him to pay more to his shippers at any given level of class prices and would correspondingly reduce his premium payments. Some aspects of his procurement problem were considered in the findings and conclusions regarding Class I prices.

Since the inception of the Neosho Valley order, several handlers have undertaken substantial specialization in the handling of Class II milk while other handlers have concentrated on Class I operations and have diverted or transferred their reserve milk to manufacturing plants. It follows that individual-handler pools would cause far-reaching changes in the marketing of milk. It is concluded that the order should not be amended to provide for individual-handler pools.

8. Base-rating. The base forming months should be September through December.

The K.M.O. Milk Producers Association proposed that the base forming months should be September through December rather than August through November. The proposal was endorsed at the hearing by the Neosho Valley Cooperative Creamery Association. This proposal was supported primarily on the grounds that the percentage of producer

milk in Class I had decreased during August and had increased in December 1958 and 1959 as compared to the percentage recorded for the same months of previous years.

The recommended decision proposed no change in the base forming months. The proponent producers, in their exceptions, pointed out that there has been a substantial change in the average daily production per producer during the fall and winter months, as well as an increase in the regular Class I sales of regulated handlers in the months of September through December as compared to the months of August through November.

In the past two years the seasonal pattern of the milk supply relative to Class I sales has changed. In 1958 the month of August was the month with the second largest supply in relation to Class I sales while in 1959 August was the month of largest supply. On the other hand, the supply of milk has become less in relation to Class I sales in December. During December 1958 and 1959 the utilization of producer milk in Class I was 81.92 and 67.69 percent, respectively, whereas the average utilization during the present base forming months of August through November 1958 and 1959 was 78.52 and 65.07 percent, respectively. These changes in the utilization of producer milk in Class I are largely the result of a change in the seasonal pattern of the average daily production per producer.

In view of the above facts and the support by the two cooperative associations representing producers in the market for the change in the base plan, the base forming months should be September through December.

9. Modified seasonal incentive plan. A new type of seasonal incentive plan was also considered at the hearing. It involved establishing rates of payback ranging from zero in the case of producers whose daily deliveries in the payback months were below 70 percent of their deliveries in the takeout months, to a maximum payback to those producers whose payback deliveries were equal to or above their takeout deliveries. Determination of an individual producer's fall incentive payment under this method requires classifying of producers and other determinations prior to payment.

One deficiency in the proposal is that not all producers would receive the same reward for making some improvement in the seasonality of their productions. For example, those who brought their fall production up from 50 percent of the flush season average to 69 percent would still be in the category which receives no portion of the fall payback.

The success of any fall incentive plan is related to the degree of producer knowledge and acceptance of its operation. Since the proposed new plan was not supported by two cooperatives representing the great majority of shippers serving the market, it is concluded that such an incentive payment plan should not be adopted at this time.

10. Administrative change. A necessary administrative change involves deducting from payments to any handlers out of the producer settlement fund any unpaid balances due the market adminis-

trator from such handler for the producer settlement, administrative, or marketing service accounts. This provision is required to avoid unnecessary administrative inconvenience.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area", and "Order amending the Order Regulating the Handling of

Milk in the Neosho Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Neosho Valley marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 17th day of June 1960.

CLARENCE L. MILLER, Assistant Secretary.

Order 1 Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area

§ 928.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been

milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest:

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the currentof interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) milk from producers including such handler's own production and (b) other source milk which is classified as Class I.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 928.6 [Amendment]

1. In § 928.6 after "Bourbon" insert the word "Chautauqua,".

§ 928.94 [Amendment]

- 2. In § 928.94 change the period at the end of the section to a colon and add the following: "And provided further, That any payments hereunder shall be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 928.93, 928.95, 928.96 or 928.97."
- 3. Delete § 928.80 and substitute therefor the following:

§ 928.80 Determination of daily base for each producer.

For each of the delivery periods of February through July the daily base of for each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding delivery periods of September through December by the total number of days for which such producer made deliveries of milk in such period, or by 90, whichever is greater: Provided, That, with respect to any producer on "every-other-day" delivery the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 928.81: And provided further, That in the case of producers delivering milk to an approved plant which first qualifies as such during any month other than September, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his verifiable deliveries of milk to such plant during the September through December immediately preceding.

4. Delete § 928.83 and substitute therefor the following:

§ 928.83 Announcement of daily bases.

On or before February 15 of each year, the market administrator shall notify each producer of his daily base.

[F.R. Doc. 60-5720; Filed, June 21, 1960; 8:48 a.m.]

[7 CFR Part 1016]

MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Notice of Intention To Terminate Order

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), hereinafter referred to as the "act," and of the order regulating the handling of milk in the Northeastern Wisconsin, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

- (1) A public hearing was held on certain proposed amendments to the order on March 7-9, 1960, pursuant to notice thereof issued February 17, 1960 (25 F.R. 1521):
- (2) The recommended decision of the Deputy Administrator, Agricultural Marketing Service, with respect to the issues in the record of said hearing was filed with the Hearing Clerk, United States Department of Agriculture on May 20. 1960, and published in the FEDERAL REG-ISTER on May 25, 1960 (25 F.R. 4593);
- (3) The decision of the Assistant Secretary was issued on June 13, 1960 (25 F.R. 5397); it adopted the material issues, findings and conclusions of the recommended decision; it included a finding that the incorporation of the amendments in the order would tend to effectuate the declared policy of the act; and it contained an order directing that a referendum be conducted to determine whether producers favored the issuance of the amending order which was a part of said decision;
- (4) Less than two-thirds of the producers who participated in said referendum favor the issuance of the said amending order.

Notice is hereby given of intention to terminate Order No. 116, as now in effect, regulating the handling of milk in the Northeastern Wisconsin, marketing area. effective July 1, 1960. Interested parties may submit written data, views, and arguments as to why the said order should not be so terminated. Such written data, views, and arguments should be addressed to the Hearing Clerk, United States Department of Agriculture, and be postmarked on or before June 25. 1960.

Done at Washington, D.C., this 20th day of June 1960.

> CLARENCE L. MILLER, Assistant Secretary.

[F.R. Doc. 60-5789; Filed, June 21, 1960; [F.R. Doc. 60-5735; Filed, June 21, 1960; 10:24 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13375]

TELEVISION BROADCAST STATIONS, TABLE OF ASSIGNMENTS; NEW BEDFORD, MASS.-PROVIDENCE, R.I.

Order Extending Time for Filing Comments

In the matter of amendment of § 3.606 Table of assignments, Television Broadcast Stations (New Bedford, Mass.-Province, Rhode Island).

In a notice adopted June 8, 1960, the Commission extended the time for filing comments in Docket No. 13340 (Interim Policy on VHF Television Channel Assignments and Amendment of Part 3 of the Rules concerning Television Engineering Standards) in contemplation of the issuance of revised engineering curves for the present high VHF band. At the same time, by separate order, the Commission extended time for filing comments in Docket No. 13374, a proceeding involving a proposed shortspaced high VHF assignment under conditions dependent on the proposed new curves. Inasmuch as the instant proceeding involves assignment of Channel 6, and there will be no revision of the engineering curves for this or any of the other low VHF channels, the Commission did not at the same time extend the time for filing comments in this proceeding.

The Commission now has before it for consideration a Request for Extension of the Time for Filing Comments, filed June 15, 1960, by E. Anthony & Sons, in which it is suggested that the assignment of Channel 6 in the instant proceeding may depend in part on findings as to the coverage of Channels 10 and 12 in Providence, Rhode Island, and Channel 7 in Boston (all high VHF channels) and that therefore the instant proceeding will involve use of the revised curves to be issued in Docket No. 13340. It is therefore urged that we extend the time for filing comments in this proceeding so that it will coincide with that of Docket No. 13340.

We find that this argument has merit. Accordingly, it is ordered, That the request of E. Anthony & Sons for additional time to file comments is granted, and that the time for filing comments in the above-entitled proceeding is extended from June 20, 1960, to September 1, 1960, and the filing of reply comments is extended from July 5, 1960, to September 16, 1960.

Adopted: June 17, 1960. Released: June 17, 1960.

FEDERAL COMMUNICATIONS COMMISSION, [SEAL] BEN F. WAPLE, Acting Secretary.

8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 627]

CALIFORNIA

Small Tract Classification

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F.R. 7697), I hereby classify the following described land, totaling 80 acres in Kern County, California, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

SAN BERNARDING MERIDIAN

T. 11 N., R. 8 W., Sec. 26, S½NE¼.

Containing 80 acres, subdivided into 32 small tracts, none of which are covered by applications from persons entitled to preference under 43 CFR 257.5.

2. Classification of the above-described land by this order segregates it from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The land classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the land to bid.

RAY G. BROWN,
Acting Officer-in-Charge,
Southern Field Group, Los
Angeles, California.

JUNE 14, 1960.

[F.R. Doc, 60-5712; Filed, June 21, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP60-14]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order for Hearing, Suspending Proposed Tariff Sheet and Accepting Tariff Sheets for Filing

JUNE 15, 1960.

Kansas-Nebraska Natural Gas Company, Inc. (KNCO), on May 16, 1960, tendered for filing Original Sheet No. 35,

First Revised Sheets Nos. 9, 31, 32, and Second Revised Sheets Nos. 19, 33 and 34 to its FPC Gas Tariff, Original Volume No. 3. This tariff volume comprises an agreement between KNCO and Northern Natural Gas Company (Northern) dated May 25, 1956, as amended, providing for the sale and delivery to Northern, at a point near Liberal, Kansas, of all gas produced in certain formations under certain leases in Camrick Field, Texas County, Oklahoma. The said Second Revised Sheet No. 19 reflects an increase in rate from 16 cents to 17 cents per Mcf and amounting to an annual increase to Northern of \$117,300 or 6.25 percent based upon a test year ended December 31, 1959. The remainder of the tendered tariff sheets reflect the dedication of approximately 12.255 additional acres to the sale.

KNCO proposes that the aforementioned tariff sheets be permitted to be-

come effective on July 1, 1960. In support of the proposed increased rate. KNCO, among other things, submitted a study including a number of claimed allowances which give rise to questions that can be determined only after a hearing has been held thereon. Among such questionable allowances is included an expense item of \$485,020, representing an accrual for future dry gas payments to Gulf Oil Corporation (Gulf) under a certain gas development contract and an additional allowance of over \$500,000 for Federal income taxes based upon the claimed dry gas accrual expense. Additionally, KNCO's cost study includes an allowance for return on investment computed at 6.7 percent. the rate which the company seeks in its previous rate increase proceeding in Docket No. G-12391. The propriety of that rate of return is an issue pending before the Presiding Examiner in that proceeding.

The proposed changes in rates, charges, classifications, and services provided for in Second Revised Sheet No. 19 to KNCO's FPC Gas Tariff Original Volume No. 3, tendered by KNCO on May 16, 1960, as modified on May 26, 1960, may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in KNCO's FPC Gas Tariff, Original Volume No. 3, as proposed to be amended by the tariff sheets tendered on May 16 and 26, 1960, and that proposed Second Revised Sheet No. 19 thereof and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

(2) It is necessary and proper in the public interest, and to aid in the enforcement of the Natural Gas Act, that the proposed Original Sheet No. 35, First Revised Sheets Nos. 9, 31, 32 and Second Revised Sheets Nos. 33 and 34 to KNCO's FPC Gas Tariff, Original Volume No. 3, be accepted for filing as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natuarl Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in KNCO's FPC Gas Tariff, Original Volume No. 3, as proposed to be amended by the aforementioned tariff sheets tendered on May 16 and 26, 1960.

(B) Pending such hearing and decision thereon the said Second Revised Sheet No. 19 to KNCO's FPC Gas Tariff, Original Volume No. 3, be and it is hereby suspended and the use thereof deferred until August 1, 1960, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) KNCO's Original Sheet No. 35, First Revised Sheets Nos. 9, 31, and 32, Second Revised Sheets Nos. 33 and 34 to its FPC Gas Tariff, Original Volume No. 3, are hereby accepted for filing effective July 1, 1960, subject, however, to the hearing hereinabove provided.

(D) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 of the Natural Gas Act, as amended; nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract or practice affecting such service or rate provided for in the above described tariff sheets, nor shall this order be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(E) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending, or hereafter instituted, by or against Kansas-Nebraska Natural Gas Company, Inc.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before August 1, 1960.

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-5709; Filed, June 21, 1960; 8:46 a.m.]

¹On May 26, 1960, KNCO retendered Second Revised Sheets Nos. 19, 33, and 34 to said tariff in replacement of some of the sheets tendered on May 16, 1960, for the sole purpose of correcting designations and a clerical omission.

[Docket No. G-19510]

TEXAS GAS TRANSMISSION CORP. Notice of Application and Date of Hearing

JUNE 15, 1960.

Take notice that on September 21, 1959, Texas Gas Transmission Corporation (Applicant), filed an application and supplements thereto on January 29, 1960, March 30, 1960 and April 26, 1960, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and development of the West Greenville Field in Muhlenberg County, Kentucky, as an underground gas storage field, and the abandonment by sale of its existing Hickory School and Grandview Storage Fields in Daviess County. Kentucky, all as more fully set forth in the application and supplements on file with the Commission and open to public inspection.

Applicant has entered into a contract with Western Kentucky Gas Company (Western Kentucky), dated August 31, 1959, whereby Applicant has agreed to purchase all of the rights and interests of Western Kentucky in the West Greenville Gas Field. Applicant proposes to ultimately develop and operate the field as a gas storage reservoir with an estimated peak-day deliverability of 85,000 Mcf. In connection with the development of the storage to a capacity of 21,500 Mcf per day, Applicant requests the following authority:

(1) To construct and operate one 1,760 horsepower compressor station, one dehydration plant and one meter station in the West Greenville Field and approximately 29.5 miles of 12-inch pipeline connecting the West Greenville Field to the main line facilities of Applicant near Slaughters, Kentucky.

(2) To exchange gas with Western Kentucky during the initial development

period of the Field: and

(3) Upon development of the West Greenville Field to a peak-day withdrawal capacity of 21,500 Mcf, to abandon by sale to Western Kentucky, in accordance with the aforementioned agreement, all rights and interests of Applicant in the Hickory School and Grandview Storage Fields, having a combined peak-day withdrawal capacity of 21,500 Mcf, together with all pipelines and equipment presently owned by Applicant connecting such fields to Western Kentucky's distribution system in and near Owensboro, Daviess County, Kentucky.

The facilities for which authority is requested are estimated to cost \$2,506,000 and will be financed from funds on hand or short-term bank loans. Other costs involved in the acquisition of the West Greenville Storage, to be paid when a capacity of 21,500 Mcf per day is accomplished amount to a net of \$1,055,527, resulting in a total cost for the project of \$3,561,527.

Although Applicant anticipates an ultimate capacity of 85,000 Mcf per day, no increase in the presently certificated sales of Applicant is proposed at this

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 18, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 8, 1960 Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

> JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-5710; Filed, June 21, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12787 etc.; FCC 60-682]

WALTER L. FOLLMER ET AL.

Memorandum Opinion and Order Severing Applications From Proceeding

In re applications of Walter L. Follmer, Hamilton, Ohio, Docket No. 12787. File No. BP-11323; Interstate Broadcasting Company, Inc. (WQXR), New York, New York, Docket No. 12790, File No. BP-11707; Booth Broadcasting Company (WTOD), Toledo, Ohio, Docket No. 12793, File No. BP-12035; for construction permits.

1. The Commission has before it for consideration (1) a petition for severance, filed on April 21, 1960, by Booth Broadcasting Company, and (2) the reply of the Commission's Broadcast Bureau, filed on May 4, 1960.

2. By Order released March 10, 1959 (FCC 59-194), the Commission designated for consolidated hearing twentythree applications including those of Booth Broadcasting Company, Walter L. Follmer and Interstate Broadcasting Company, Inc. The latter applications. were severed from the multi-party proceeding by Order released May 28, 1959

separate hearing to resolve issues pertaining solely to their applications. Coshocton Broadcasting Company (WTNS), Washita Valley Broadcasting Company (KWCO), and E. Weaks Mc-Kinney-Smith (WDXR), parties respondent in the original proceeding (FCC 59-194), were severed and made parties to this proceeding (FCC 59-508). Subsequently, Washita Valley defaulted as a party because of failure to file an appearance as required by § 1.170(e) (FCC 59-576).

3. The hearing issues applicable to the petitioner are an area and population issue, a standard interference issue, an interference issue between petitioner's proposed operation and WTNS, an issue as to whether petitioner's transmitter meets the requirements of § 3.188 of the Commission's rules, an issue as to whether the transmitter site is satisfactory in respect to obstructions to the proposed directional antenna radiation pattern, and a multiple ownership issue. Petitioner Booth now requests that its application to increase the power of Station WTOD from 1 kw to 5 kw, daytime only, be severed from the abovecaptioned proceeding and that Coshocton Broadcasting Company (WTNS) be made a party to the proceeding involving Booth's application.

4. In support of its request, Booth states that its proposal does not involve any interference problems with the other proposals in this proceeding except for the interference which its proposed operation would cause to that proposed by Follmer. This interference, according to Booth, would affect 6.6 percent of the population within Follmer's proposed 0.5 mv/m contour, and the area of interference presently receives a minimum of 9 and a maximum of 13 other services. Booth further alleges that the total daytime interference to Follmer by existing stations and pending proposals is less than 10 percent, and that the interference between Follmer and Interstate relates solely to nighttime operations. There is no issue between respondent Coshocton Broadcasting Company (WTNS) and either of the other applicants in this proceeding, and no issue exists between respondent E. Weaks McKinney-Smith and petitioner.

5. The Broadcast Bureau has no objection to petitioner's request, but points that 8.6 percent of the population within Follmer's 0.5 mv/m contour will receive interference from petitioner's proposal rather than 6.6 percent as petitioner has indicated. Follmer and Interstate have consented to the grant of the petition, and Follmer is willing to accept the interference to his proposal from petitioner's proposed operation.

6. It is the Commission's view that the instant petition should be granted. Booth's proposal is not involved in any interference problems with the proposal of Interstate, and the interference caused to Follmer's proposal is within the limits prescribed by § 3.28(c) of the rules, the interference area is presently served by numerous other stations, and Follmer has agreed to accept the interference. Hence, there is no reason for (FCC 59-508), and consolidated for a retaining Booth's application in the

5708 NOTICES

above-captioned consolidated proceeding. Coshocton Broadcasting Company's Station WTNS would receive interference only from the Booth proposal, and Coshocton Broadcasting Company will therefore be made a party respondent to the severed proceeding.

Accordingly, it is ordered, This 15th day of June 1960, that the petition of Booth Broadcasting Company, filed

April 21, 1960, is granted;

It is further ordered. That the application of Booth Broadcasting Company (BP-12035) is severed from the abovecaptioned proceeding;

It is further ordered, That the application so severed shall be retained in hearing to resolve the issues pertaining to it;

It is further ordered, That respondent Coshocton Broadcasting Company (WTNS) is also severed from the abovecaptioned proceeding and is hereby made a party to the proceeding on the severed application.

Released: June 17, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

BEN F. WAPLE. Acting Secretary.

[F.R. Doc. 60-5734; Filed, June 21, 1960; 8:50 a.m.1

INTERSTATE COMMERCE COMMISSION

[Notice 333]

MOTOR CARRIER TRANSFER **PROCEEDINGS**

JUNE 17, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179). appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their

petitions with particularity.

No. MC-FC 63237. By order of June 16, 1960, the Transfer Board approved the transfer to Herda Alaska Truck Lines, Inc., Minot, N. Dak., of Certificate in No. MC 113573, issued September 30, 1953, to Albert M. Herda, doing business as Herda Alaska Truck Lines, Minot, N. Dak., authorizing the transportation of: General commodities, except those of unusual value, Class A and B explosives. and commodities requiring special equipment, between Minneapolis, St. Paul, Duluth, and Fosston, Minn., Minot, N. Dak., and Seattle, Wash., on the one hand, and, on the other, ports of entry on the United States-Canadian boundary line at Sweetgrass, Mont., and Blaine. Wash. Herda Alaska Truck Lines. Inc.,

was also substituted as applicant in Nos. MC 113573 Sub 4 and MC 113573 Sub 5. Alan Foss, 502 First Nat'l Bank Building. Fargo, N. Dak., for applicants.

No. MC-FC 63265. By order of June 16, 1960, the Transfer Board approved the transfer to Kirk Trucking Service. Inc., Huntingdon Valley, Pa., of the operating rights set forth in Permits Nos. MC 55121 and MC 55121 Sub 1, issued by the Commission July 7, 1942, and February 27, 1948, respectively to Amos Kirk, doing business as Kirk's Trucking Sérvice, Huntingdon Valley, Pa., authorizing the transportation, over irregular routes, of boilers, boiler parts, economizers, water walls, headers, stokers, powerhouse installation materials, steel and steel products, machinery, contractors' tools and equipment, office equipment, and architects' supplies, between Cornwells Heights; Pa., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia, and between Philadelphia, Pa., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York; New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia, and contractors' equipment and supplies, non-ferrous castings. bronze and bronze products, metal in bulk, machinery, lumber and lumber patterns, mill equipment, and building and construction materials, supplies and equipment, between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania and New Jersey, and the addition of transferee as a respondent in Docket No. MC 55121 Sub 2. Jacob Polin, 426 Barclay Building, Bala-Cynwyd. Pa.

No. MC-FC 63309. By order of June 16, 1960, the Transfer Board approved the transfer to Edgar W. Wolf, doing business as Reedsport Motor Freight, Reedsport, Oregon, of the operating rights set forth in Certificate No. MC 7183, issued by the Commission November 15, 1954, to Elmer Imus, doing business as Reedsport Motor Freight, Reedsport, Oregon, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Eugene, Oreg., and Winchester Bay Oreg. William Jayne, Medical Dental Building. Reedsport, Oreg. for applicant. No. MC-FC 63313. By order of June

15, 1960, the Transfer Board approved the transfer to Rodney G. James, Pittsburgh, Pennsylvania, of the operating rights set forth in Certificate No. MC 34623, issued by the Commission May 27. 1941, to Andrew J. Amrhein, Frank J. Amrhein, and Jacob Amrhein, a partnership, doing business as Amrhein Motor & Transfer Company, Pittsburgh, Pa., authorizing the transportation, over irregular routes, of glassware, between Fairmont, W. Va., and Pittsburgh, Pa., elevator machinery and equipment used or useful in the installation or removal of elevator machinery, between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Maryland, and chemicals, between Pittsburgh and Natrona, Pa., on the one hand, and, on the other, points in Ohio and West Virginia. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., for applicants.

No. MC-FC 63322. By order of June 16, 1960, the Transfer Board approved the transfer to Vincent L. Gritsch, Los Altos, Calif., of Certificate No. MC 31437, issued June 19, 1957, in the name of Roy J. Christensen, doing business as Peavine Transfer & Warehouse Co., Reno, Nev., authorizing the transportation (1) over regular routes of general commodities, between Truckee, Calif., and Tahoe City. Calif., serving all intermediate points, all on-rail off-route points within 2 miles of the route as specified; and the offroute point of Squaw Valley, Calif. (excluding household goods); general commodities excluding household goods, and various specified commodities, between Tahoe City, Calif., and the California-Nevada State line, serving all intermediate points, the off-route point of Fallen Leaf, Calif., and off-route points in California on Lake Tahoe; general commodities, excluding household goods, commodities in bulk, and various specified commodities, between Reno, Nev., and Tahoe City, Calif., serving all intermediate points; and off-route points in Nevada and California within 5 miles of the shore of Lake Tahoe; (2) over irregular routes, livestock, wool, grain, and potatoes, between points in Nevada and California within 75 miles of Reno, Nev., including Reno. Edward M. Berol, 100 Bush Street, San Francisco 4, Calif., for applicants.

No. MC-FC 63330. By order of June 16, 1960, the Transfer Board approved the transfer to Olaf C. Braseth and Geraldine E. Braseth, a partnership, doing business as La Grande Transfer & Warehouse Co., La Grande, Oreg., of Certificate No. MC 108296 issued March 1, 1957, in the name of Olaf C. Braseth and Carl F. Kellenberger, a partnership, doing business as La Grande Transfer & Warehouse Co., La Grande, Oreg., authorizing the transportation of household goods, over irregular routes, between points in Union and Wallowa Counties. Oreg., on the one hand, and, on the other, points in Idaho; and between points in Union, Baker, and Wallowa Counties, Oreg., on the one hand, and on the other. points in Washington. Olaf C. Braseth, 1305 Jefferson, La Grande, Oreg., for applicants.

[SEAL]

HAROLD D. McCOY. Secretary.

[F.R. Doc. 60-5724; Filed, June 21, 1960; 8:49 a.m.]

[Notice 127]

MOTOR CARRIER ALTERNATE ROUTE **DEVIATION NOTICES**

JUNE 17, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested

persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)). to Portland, Maine, thence over Maine loo, Iowa, thence to St. Paul as specified above; from Chicago, Ill., over Illinois

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2542 (Deviation No. 7) ADLEY EXPRESS CO., 216 Crown Street, New Haven, Conn., filed June 6, 1960. Carrier proposes to operate as a common carrier, by motor vehicle of general commodities, with certain exceptions, over deviation routes as follows: (A) from the junction of Interstate Highway 95 and U.S. Highway 1 over Interstate Highway 95 to the Massachusetts-New Hampshire State line, (B) from the Massachusetts-New Hampshire State line over Interstate Highway 95 to the New Hampshire-Maine State line, and (C) from the southern terminus of the Maine turnpike at Kittery, Maine over the Maine turnpike to its northern terminus at Augusta, Maine, and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston over U.S. Highway 1 to Brunswick, Maine, thence over U.S. Highway 201 to junction Maine Highway 201, thence over Maine Highway 201 to junction U.S. Highway 201, thence over U.S. Highway 201 to North Anson, Maine; from Boston over U.S. Highway 1 to Brunswick, Maine, thence over U.S. Highway 201 to junction Maine Highway 201, then over Maine Highway 201 to junction U.S. Highway 201, thence over U.S. Highway 201 to Skowhegan, Maine, thence over Maine Highway 147 to junction Maine Highway 148, thence over Maine Highway 148 to junction U.S. Flighway 201, thence over U.S. Highway 201 to North Anson; from Boston over U.S. Highway 1 to Brunswick, Maine, thence over U.S. Highway 201 to junction Maine Highway 201, thence over Maine Highway 201 to junction U.S. Highway 201, thence over U.S. Highway 201 to Augusta, Maine, thence over Maine Highway 27 to Belgrade, Maine, thence over Maine Highway 11 to Oakland. Maine, thence over Maine Highway 137 to junction U.S. Highway 201, thence over U.S. Highway 201 to North Anson; from Boston over U.S. Highway 1 to Portland, Maine, thence over Maine Highway 26 to Gray, Maine, and thence over Maine Highway 4 to Farmington, Maine; from Boston over U.S. Highway 1 to Brunswick, Maine, thence over U.S. Highway 201 to Topsham, Maine, thence over Maine Highway 196 to Lewiston, Maine; from Boston over U.S. Highway 1 to Portland, Maine, thence over Maine Highway 25 to Gorham, Maine; and from Boston over U.S. Highway 1 to Portland, Maine, thence over Maine Highway 26 to Gray, Maine, thence over U.S. Highway 202 to Augusta, and return over the same routes.

No. MC-2894 (Deviation No. 2) RED STAR TRANSIT COMPANY, INC., 7950 Dix Avenue, Detroit 9, Mich., filed June 6, 1960. The carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 20 and 250 at or near Norwalk, Ohio, over U.S. Highway 250 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 8, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Norwalk over U.S. Highway 20 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 8 to junction U.S. Highway 224, and return over the same route.

No. MC-21170 (Deviation No. 1) BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa, filed June 6, 1960. Carrier proposes to operate as a common carrier, by motor vehicle of general commodities, with certain exceptions, over a deviation route as follows: From Chicago, III., over U.S. Highway 12 to junction U.S. Highway 14, thence over U.S. Highway 14 to LaCrosse, Wis., thence over U.S. Highway 16 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Minnesota Highway 55, thence over Minnesota Highway 55 to Minneapolis, Minn., and return over the same route, for operating convenience only, serving no inter-mediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City Kans., over city streets to Kansas City, Mo., thence over alternate U.S. Highway 69 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Ames, Iowa, thence over U.S. Highway 30 via Colo, Iowa, to junction Iowa Highway 330 (formerly U.S. Highway 30), thence over Iowa Highway 330 to Marshalltown, Iowa. thence over Iowa Highway 14 to junction Iowa Highway 57, thence over Iowa Highway 57 to junction U.S. Highway 65, thence over U.S. Highway 65, via Owatonna, Minn., to Minneapolis, Minn., and thence over city streets to St. Paul; from Kansas City, Kans., to Marshalltown, Iowa, as specified above, thence over unnumbered highway (formerly U.S. Highway 30) to junction U.S. Highway 30, thence over U.S. Highway 30 to Tama, Iowa, thence over U.S. Highway 63 to Waterloo, Iowa, thence over U.S. Highway 218 to Owatonna, Minn., thence to St. Paul as specified above; from Kansas City, Kans., to Tama, Iowa as specified above, thence over U.S. Highway 30 to junction U.S. Highway 218, thence over U.S. Highway 218 to Waterloo, Iowa, thence to St. Paul as specified above; from Chicago, Ill., over Illinois Highway 64 to St. Charles, Ill., thence over Illinois Highway 31 to Geneva, Ill., thence over alternate U.S. Highway 30 to junction U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to Belle Plaine, Iowa, thence over Iowa Highway 131 to Belle Plaine, Iowa, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over U.S. Highway 75 to Omaha, Nebr., thence over U.S. Highway 30, thence over U.S. Highway 30, thence over U.S. Highway 30 to Kearney, Nebr., and return over the same routes.

No. MC-67646 (Sub No. 2) (Deviation No. 9) HALL'S MOTOR TRANSIT COM-PANY, P.O. Box 738, Sunbury, Pa., filed June 6, 1960. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over U.S. Highway 11, to Pennsylvania turnpike interchange No. 16, thence over the Pennsylvania turnpike to Pennsylvania turnpike interchange No. 2 (Beaver Valley), thence over the Pennsylvania Highway 18 to junction Pennsylvania Highway 551, thence over Pennsylvania Highway 551 to junction Pennsylvania Highway 168, thence over Pennsylvania Highway 168 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to junction Ohio Highway 46 near Columbiana, Ohio, thence over Ohio Highways 14 and 46 to junction U.S. Highway 224 at Canfield, Ohio, thence over Ohio Highway 14 and U.S. Highway 224 to junction Ohio Highway 14, thence over Ohio Highway 14 to junction Ohio Highway 82 (near Twinsburg, Ohio), thence over Ohio Highway 82 to junction Ohio Highway 3 at North Royalton, Ohio, thence over Ohio Highway 3 to Cleveland. Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Harrisburg over U.S. Highways 11 and 15 to Lewisburg, Pa.; from Lewisburg over Pennsylvania Highway 45 to Old Fort, Pa.; from Amity Hall, Pa., over U.S. Highway 322 to Potters Mills, Pa.; from Old Fort, Pa., over Pennsylvania Highway 53 to junction U.S. Highway 322, thence over U.S. Highway 322 to Franklin, Pa., thence over U.S. Highway 62 to Oil City, Pa.; from Oil City over U.S. Highway 62 via Franklin, Pa., to Sandy Lake, Pa., thence over alternate U.S. Highway 322 (formerly Pennsylvania Highway 358) to Green-ville, Pa., thence over Ohio Highway 88 to Parkman, Ohio, thence over U.S. Highway 422 to Chagrin Falls, Ohio, thence over unnumbered highway to Cleveland, and return over the same routes.

No. MC-104004 (Deviation No. 10) ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., filed May 30, 1960. Carrier proposes to operate as a common carrier, by motor

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vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Bristol, Va., over U.S. Highway 11-W to Kingsport, Tenn., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kingsport over unnumbered highway to Bristol, and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC-61598 (Deviation No. 2) SMOKY MOUNTAIN STAGES, INC., P.O. Box 2387, Charlotte, N.C., filed June 1, 1960. Carrier proposes to operate as a common carrier, by motor vehicle of passengers over a deviation route as follows: From Atlanta, Ga., over newly constructed expressway to junction Georgia Highway 120 to Lawrenceville. Ga., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 29 to Winder, Ga., thence over Georgia Highway 11 to Jefferson, Ga., and return over the same route.

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-5722; Filed, June 21, 1960; 8:48 a.m.1

[Notice 328]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 17, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m.. United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEAR-ING OR PRE-HEARING CONFERENCE

TOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 356), filed June 6,1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1)
Trailers, Semi-Trailers, Trailer Chassis and Semi-Trailer Chassis, other than those designed to be drawn by passenger automobiles, in initial truckaway service, (2) Motor vehicle bodies and cargo containers, from Penn, Pa., to points in the United States, including Alaska, but excluding Hawaii.

HEARING: July 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 6380 (Sub No. 7), filed May 12, 1960. Applicant: R. F. TRUESDELL, INC., 1616 West 47th Street, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Pulpboard, fibreboard boxes (plain or wood-cleated), and paper and paper products (except printing or fine paper), (a) from Baltimore, Md., to points in Connecticut, Delaware, Florida. Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; and (b) from Philadelphia, Pa., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Vermont, Virginia, and West lina, Vermont, Virginia, and West Virginia; (2) Refused or rejected shipments of the above-specified commodities, from the above-specified destination points to their respective origin points; and (3) Pulpboard, from points in Georgia to Baltimore, Md., and Philadelphia, Pa. RESTRICTION: The authority sought herein is to be limited to transportation service to be performed under a continuing contract, or contracts, with Inland Container Corporation, Indianapolis, Ind.

HEARING: July 25, 1960, at the Offices of the Interstate Commerce Commission. Washington, D.C., before Examiner Samuel Horwich.

No. MC 30837 (Sub No. 279), filed May 17, 1960. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sun Dial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Automobiles, trucks, and buses, and three-wheeled automotive vehicles, restricted to the transportation of vehicles powered by electric storage batteries, in initial movements, in driveaway and truckaway service, from Cleveland, Ohio. to all points in the United States, including Alaska but excluding Hawaii.

HEARING: July 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Ex-

aminer Warren C. White.

No. MC 30837 (Sub No. 280), filed May 20, 1960. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Three-wheeled motor vehicles, in initial movements, in truckaway service, from Kalamazoo, Mich., and Stockton, Calif., to all points in the United States, including Alaska, but excluding Hawaii, and (2) Three-wheeled

vehicles. in secondary movements, from all points in the United States, including Alaska, to Kalamazoo, Mich., and Stockton. Calif.

HEARING: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar. No. MC 52869 (Sub No. 58) (SECOND

AMENDMENT), filed March 3, 1960, published in the FEDERAL REGISTER, issues of May 11, 1960, June 2, 1960, and June 8, 1960. Applicant: NORTHERN TANK LINE, a corporation, 8 South Seventh Street, Miles City, Mont. Applicant's attorney: Robert W. Burchmore, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from points in Ward County, N. Dak. (including the city of Minot, N. Dak.), to points in South Dakota, Minnesota, and Montana, and contaminated or refused products on return.

NOTE: The purpose of this republication is to add the destination State of Minnesota, inadvertently omitted.

HEARING: Remains assigned on July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer instead of Joint Board No. 143.

No. MC 75185 (Sub No. 225), filed May 25, 1960. Applicant: SERVICE TRUCKING CO., INC., Preston Road, P.O. Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Boyertown, Downingtown, and Morgantown, Pa., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. *HEARING:* July 25, 1960, at the Offices

of the Interstate Commerce Commission, Washington, D.C., before Examiner

Maurice S. Bush.

No. MC 76478 (Sub No. 4), filed June 6. 1960. Applicant: CHESTER CAR-RIERS, INC., East Petersburg, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sand, stone and gravel, in bulk, between points in Cecil County. Md., on the one hand, and, on the other, points in Montgomery County, Pa.

HEARING: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 95540 (Sub No. 335), filed June 3, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, (1) from points in Atlantic, Camden, Cumberland, Gloucester, and Salem Counties, N.J.; Philadelphia and Doylestown, Pa.; Baltimore, Cambridge, Crisfield, Landover and Salisbury, Md.;

and Clayton and Georgetown, Del., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Ten-nessee, Texas, Vermont, and Virginia. (2) From points in Atlantic, Camden, Cumberland, Gloucester, and Salem Counties, N.J.; Philadelphia and Doylestown, Pa.; Baltimore and Crisfield, Md., to points in Alabama, Arizona, Arkansas, California, Colorado, the District of Columbia, Florida, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, West Virginia, and Wisconsin.

HEARING: July 22, 1966, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 103993 (Sub No. 140), filed June 6, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas (except from Arkansas City, McPherson, Great Bend, Hutchinson, Coffeyville, Wichita, and Newton), to points in the United States, including Alaska, but excluding Hawaii.

HEARING: July 27, 1960, at the Hotel Lassen, Wichita, Kans., before Examiner Isadore Freidson.

No. MC 105461 (Sub No. 22), filed May 25, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Grass stop, in rolls, metal stove shovels, and building materials made of metal, from the site of the plant or plants of Penn Supply and Metal Corporation, Philadelphia, Pa., to points in Delaware, and the District of Columbia. points in that part of Maryland east of U.S. Highway 220, points in that part of West Virginia south of U.S. Highway 33, and points in Virginia.

Note: Applicant has a pending contract carrier application in MC 68807 (Sub No. 29).

HEARING: July 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 105556 (Sub No. 32), filed June 6, 1960. Applicant: HOUCK TRANS-PORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from the Oil Basin Pipeline Terminal at or near Minot, N. Dak., to

points in South Dakota, Minnesota, and Montana, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return.

HEARING: July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer.

No. MC 105461 (Sub No. 23), filed May 25, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Building material, made of metal, from the plant site of the Acme Manufacturing Company, Philadelphia, Pa. to points in New York, New Jersey, and Connecticut.

NOTE: Applicant has a pending contract carrier application in MC 68807 (Sub No. 29).

HEARING: July 29, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 108068 (Sub-No. 34), filed May 31, 1960. Applicant: U.S.A.C. TRANS-PORT, INC., 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Antennae, Masts, Towers, and Tracking Devices, the Tracking Devices, the transportation of which, because of size or weight, require special equipment or special handling; and (2) Component Parts and related equipment, materials and supplies moving in conjunction with the commodities described in (1) above. between all points in Massachusetts, on the one hand, and, on the other, points in the United States, except those in Hawaii.

HEARING: July 29, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heineman.

No. MC 111196 (Sub No. 18), filed March 23, 1960. Applicant: R. KUNTZ-MAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wollastonite, from points in New York east and north of a line beginning at Oswego and extending along New York Highway 57 to junction New York Thruway, thence along the New York Thruway to junction New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line, to points in Ohio. A Petition to Dismiss accompanies the application on the ground that the authority sought herein is inclusive of the commodity "talc" in Certificate No. MC 111196 (Sub No. 12) which authorizes clay and talc in the above-specified territory.

HEARING: September 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 111812 (Sub No. 102), filed May 16, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak, Applicant's attorney: Mr. Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209, other than in bulk, in tank vehicles, from points in Pennsylvania to points in Kansas and Denver, Colo.

HEARING: July 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 111981 (Sub No. 6), filed May 12, 1960. Applicant: ROBIDEAU'S EX-PRESS, INC., 460 East Oregon Avenue, Philadelphia 48, Pa. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Prepared vegetables, fish and seafood, and fish and seafood prepared or in dinners with vegetables, all frozen, between Philadelphia, Doylestown, and Manyunk, Pa., and Camden, Braddock, and Seabrook, N.J., on the one hand, and, on the other, Alexandria, Va., points in Bergen, Essex, Hudson, Morris, Passaic, and Sussex Counties, N.J., and points in Delaware, Maryland, New York, and the District of Columbia.

HEARING: July 18, 1960, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Leo A.

No. MC 112497 (Sub No. 166), filed June 13, 1960. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096, Istrouma Branch, Baton Rouge, La. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vehicles, from Port Neches, Tex., to points in Alabama, Mississippi, Georgia, North Carolina, and South Carolina when moving in mixed shipments of alcohol and alcohol products from Baton Rouge, La.

HEARING: July 22, 1960, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner James H. Gaffney.

No. MC 112750 (Sub-No. 47), filed May 31, 1960. Applicant: ARMORED CAR-RIER CORP., DeBovoise Building, 222-17 Northern Boulevard, Bayside, L.I., N.Y. Applicant's attorney: Paul F. Sullivan, Sundial House-1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Commercial papers, documents and written instruments (except coin, currency, bullion and negotiable securities) as are used in the business of banks and banking institutions, (1) between Baltimore, Md., on the one hand, and, on the other, points in Jefferson, Berkeley, Morgan, 5712 NOTICES

Allegheny, Hampshire, Hardy, Pendleton, Randolph, Webster, Nicholas, Braxton, Roane, Calhoun, Jackson, Wirt, Word, Ritchie, Gilmer, Lewis, Upshur, Barbour, Grant, Tucker, Mineral, Preston, Marion, Monongalia, Harrison, Taylor, Pleasants, and Doddridge Counties, W. Va.; (2) between Richmond, Va., on the one hand, and, on the other, points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Pocahontas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va., and points in Bladen, Craven, Cumberland, Durham, Edgecombe, Franklin, Granville, Greene, Halifax, Harnett, Hoke, Johnston, Lenoir, Martin, Nash, Northampton, Orange, Person, Pitt, Robeson, Sampson, Vance, Wake, Warren, Wayne, and Wilson Counties, N.C.; (3) between Richmond, Va., on the one hand, and, on the other, New York, N.Y. and (4) from Philadelphia, Pa., to points in Washington and Wicomico Counties. Md.

HEARING: September 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 114106 (Sub No. 24), filed May 20, 1960. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid fertilizers, in bulk, in tank vehicles, from Hopewell, Va., to points in Georgia, North Carolina, and South Carolina.

Note: Applicant has contract carrier authority under No. MC 115176. Dual authority under section 210 may be involved.

HEARING: July 22, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 114569 (Sub No. 31), filed June 3, 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, and vinegar in containers, from Martinsburg, W. Va., Timberland and Winchester, Va., to points in Mississippi.

Note: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 55813 (Sub No. 5).

HEARING: July 22, 1960, at the Offices of the Interstate Commerce Commission; Washington, D.C., before Examiner Walter R. Lee.

No. MC 114569 (Sub No. 32), filed June 3, 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, and vinegar in containers, from Inwood and Martinsburg, W. Va., Winchester and Timberville, Va., and points in Adams and Franklin Counties, Pa., to points in California, Idaho, Utah, and Nevada.

Note: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 55813 (Sub No. 5).

HEARING: July 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 115809 (Sub No. 3), filed June 9, 1960. Applicant: OCO TRANSPORTATION COMPANY, a corporation, Industrial Street, Rittman, Ohio. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street, NW., Washington 6, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Pulpboard and byproducts thereof, fiberboard and byproducts thereof, and paperboard and byproducts thereof, from Cuyahoga Falls, Youngstown, and Rittman, Ohio, to points in that part of Illinois on and north of U.S. Highway 24 extending from Quincy, Ill., through Peoria, to the Illinois-Indiana State line; Indianapolis, Ind. and points in that part of Indiana, except South Bend, Ind., on and north of U.S. Highway 24 extending from Effner, through Logansport and Fort Wayne to the Indiana-Ohio State line; Baltimore, Md., and points on U.S. Highway 40 between Baltimore and the Maryland-Pennsylvania State line and those on U.S. Highway 1 between Baltimore and the Maryland-Pennsylvania State line; points in Michigan except Plymouth; St. Louis, Mo.; Trenton, N.J., and points in New Jersey within 20 miles of New York, N.Y.; Philadelphia and Scranton, Pa. and points on U.S. Highway 22 between Hollidaysburg and Easton, Pa., and points in that part of Pennsylvania, except Pittsburgh, on and west of U.S. Highway 220 extending from the Pennsylvania-New York State line, through Williamsport and Altoona, to the Pennsylvania-Maryland State line; points in West Virginia, except Parkersburg, and in that part of West Virginia on and south of U.S. Highway 40 and points on and north of U.S. Highway 33 extending from Mason through Spencer and Elkins to the West Virginia-Virginia State line: Yonkers and New York, N.Y. and points in New York, except Lockport, on and west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line; and skids, pallets, and empty containers on or in which the abovedescribed commodities are shipped, and machinery, materials and supplies (except waste paper), used in the manufacture of pulpboard and byproducts thereof, fiberboard and byproducts thereof, and paperboard and byproducts thereof, from the above-described destination points to the respective abovedescribed origin points.

Note: Applicant states the operations herein shall be limited to a transportation service to be performed under a continuing contract or contracts with Packaging Corporation of America. Applicant further states that it is now serving Packaging Corporation of America, its parent corporation, to, from or between points involved in the application, and that the sole purpose thereof

is to enable it to render a complete and uniform service for its parent shipper from all points or areas in the states where it is presently authorized to conduct operations.

HEARING: July 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 116127 (Sub No. 6), filed May 25, 1960. Applicant: GEORGE D. CYRUS, INC., P.O. Box 327, Iola, Kans. Applicant's attorney: Charles H. Apt, Allen County State Bank Building, Iola, Kans. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Fiberglas boats, from the plant of Iola Molded Plastics, Inc., Iola, Kans., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Kentucky, Michigan, Montana, Nevada, Ohio, Oregon, Tennessee, Utah, Washington, Wisconsin, and Wyoming, and damaged and refused boats, on return.

HEARING: July 22, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 116339 (Sub No. 5), filed May 27, 1960. Applicant: J & M ENTER-PRISES, INC., 1650 New Tampa Highway, P.O. Box 415, Lakeland, Fla. Applicant's attorney: M. Craig Massey, 208 South Tennessee Avenue, P.O. Box 586, Lakeland, Fla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, salt products, and pepper, the pepper to be transported in mixed truck loads with salt products, in packages and in bulk, from Marysville and St. Clair, Mich., and Rittman and Akron, Ohio, to points in Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, and Florida.

HEARING: July 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 117574 (Sub No. 52), filed May 26, 1960. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Refrigerators, television sets, air conditioners, refrigeration, air conditioning and heating equipment, and parts and advertising material when moving in connection with the above items, from points in Perry, York, and Cumberland Counties, Pa., to points in the United States, except Hawaii and Alaska.

HEARING: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 118800 (Sub No. 1), filed May 13, 1960. Applicant: U. GRANT ROBERTS, 617 West Sixth Street, Cameron, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Flour and Feed, in bags, and in bulk, from Kansas City, Mo., to points in Missouri, Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma, and refused, rejected or damaged shipments on return.

HEARING: July 22, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 119314 (REPUBLICATION), filed November 20, 1959, published in the FEDERAL REGISTER, issue of December 16. 1959. Applicant: HAROLD FEINER, doing business as PLESS EXPRESS, 34 Brendon Hill Road, Scarsdale, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. By application filed November 20, 1959, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of metal stampings, loose and in packages, from Yonkers, N.Y., to points in Passaic, Hudson, Essex, and Union Counties, N.J., and empty containers, or other such incidental facilities used in transporting metal stampings, on return. Division 1, in a report and order served June 13, 1960, provided that since the evidence adduced revealed that additional work is performed on some of the stampings. and they are then returned to shipper, that for the applicant to provide a complete service, it would be necessary for him to hold authority to return this commodity, and found that operation by applicant, in interstate or foreign com-merce, over irregular routes, of metal stampings, between Yonkers, N.Y., on the one hand, and, on the other, points in Passaic, Hudson, Essex, and Union Counties, N.J., under a continuing confract or contracts with the Stewart Stamping Company of Yonkers, will be consistent with the public interest and the national transportation policy. Any person or persons who may have been prejudiced by the broadening of the authority sought, may, within 30 days, from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 119829, filed June 3, 1960. Applicant: F. J. EGNER & SON, INC., 812 Charles Street, Galion, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal tar and Creosote oil, in bulk, in tank vehicles, between Cleveland, Ohio, on the one hand, and, on the other, East Liverpool and Wellsville, Ohio.

HEARING: June 29, 1960, at the New Fost Office Building, Columbus, Ohio, before Joint Board No. 117.

MOTOR CARRIERS OF PASSENGERS

No. MC 68167 (Sub No. 36), filed May 25, 1960. Applicant: WASHINGTON, VIRGINIA, AND MARYLAND COACH COMPANY, INC., 707 North Randolph Street, Arlington, Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, in special operations, during respective racing seasons, beginning and ending at points in Arlington and Fairfax Counties, Va., including the Cities and Townships therein and extending to points in Maryland as follows: (1) The race track at Bel Air, Md., (2) The race track at Tim-

onium, Md., (3) The race track at Hagerstown, Md., (4) The race track at Laurel, Md., (5) The Pimlico Race Course at Baltimore, Md., (6) The Laurel Raceway located at Laurel, Md., (7) The Baltimore Raceway located on U.S. Highway 40 just north of Baltimore, Md., (8) The race track at Marlboro, Md., (9) The race track at Bowie, Md., and (10) The raceway at Rosecroft, Md.

HEARING: September 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 109312 (Sub No. 32), filed April 27, 1960. Applicant: DE CAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, (1) Between Clifton and Millburn, N.J. In Clifton, from the junction of New Jersey Highway 3 and Garden State Parkway Interchange Road 153 to the junction of Garden State Parkway, thence along Garden State Parkway to the junction of Garden State Parkway Interchange Route 145A in East Orange, N.J., thence along Garden State Parkway Interchange Road 145A to the junction of Oraton Parkway, thence along Oraton Parkway to the junction of Central Avenue, thence along Central Avenue to the junction of South Clinton Street, thence along South Clinton Street to the junction of South Orange Avenue, thence along South Orange Avenue to Newark. N.J., thence along South Orange Avenue to South Orange, N.J., thence along South Orange Avenue to the junction of Valley Street, thence along Valley Street to Maplewood, N.J., thence along Valley Street to the junction of Baker Street, thence along Baker Street to the junction of Ridgewood Road, thence along Ridgewood Road to Millburn, N.J., thence along Ridgewood Road to the junction of Glen Avenue, thence along Glen Avenue to the junction of Chestnut Street, thence along Chestnut Street to the junction of Wyoming Avenue, thence along Wyoming Avenue to the junction of Glen Avenue. Return from the junction of Wyoming Avenue and Glen Avenue along Glen Avenue and Ridgewood Road to Maplewood, N.J., thence along Ridgewood Road to the junction of Lenox Place, thence along Lenox Place to the junction of Maplewood Avenue, thence along Maplewood Avenue to the junction of Baker Street, thence along the same route to Newark, N.J., thence along South Orange Avenue to East Orange, N.J., thence along South Clinton Street and the same route to the junction of Garden State Parkway Interchange Road 153 and New Jersey Highway 3. Serving all intermediate points. (2) Between South Orange and Maplewood, N.J. In South Orange, from the junction of South Orange Avenue and Valley Street along South Orange Avenue to the junction of Ridgewood Road, thence along Ridgewood Road to Maplewood, N.J., thence along Ridgewood Road to the junction of Lenox Place, and return over the same

route, serving all intermediate points. (3) in Maplewood, N.J., from the junction of Maplewood Avenue and Baker Street along Maplewood Avenue and Durand Road to the junction of Durand Road and Ridgewood Road, and return over the same route, serving all intermediate points. (4) Between East Orange and Newark, N.J. In East Orange from the junction of Central Avenue and South Munn Avenue along South Munn Avenue to Newark, N.J., thence along South Munn Avenue to the junction of South Orange Avenue, thence along South Orange Avenue to East Orange, N.J., thence along South Orange Avenue to the junction of South Clinton Street in East Orange. Returning in Newark, N.J., from the junction of South Orange and South Clinton Street along South Orange Avenue to the junction of South Munn Avenue, thence along South Munn Avenue to East Orange, N.J., thence along South Munn Avenue to the junction of South Munn Avenue and Central Avenue. Serving all intermediate points.

HEARING: July 18, 1960, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITH-OUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 48880 (Sub No. 7), filed June 10, 1960. Applicant: HARRY C. GOOD-WIN AND GENIO D. ARCIPRETE, a partnership, doing business as GOOD-WIN & COMPANY, Rear 60 Everett Street, Allston 34, Mass. Applicant's attorney: George C. O'Brien, The Eighth Floor, 33 Broad Street, Boston 9, Mass. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Ferrous and non-ferrous metal products, from Hartford, Putnam, Wallingford and Willimantic, Conn., and Nashua, N.H., to the plant sites of the Joseph T. Ryerson & Son, Inc., at Allston and Cambridge, (2) Ferrous and non-ferrous Mass. metal and scrap, from Keene and Nashua, N.H., and Providence, R.I., to the plant sites of the Joseph T. Ryerson & Son, Inc., at Allston and Cambridge, Mass., and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodities, from the respective destination points to the respective origin points.

Note: Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract or contracts for the Joseph T. Ryerson & Son, Inc., of Allston, Mass.

No. MC 66562 (Sub No. 1690), filed June 13, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency Law Department (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, including Classes A and B explosives, moving in express service, between Seattle, Wash.

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and Auburn, Wash.: From Seattle over U.S. Highway 99 to junction with Washington Highway 5, thence over Washington Highway 5 to Auburn, and return over the same route, serving the intermediate point of Kent, Wash. RE-STRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air.

No. MC 71096 (Sub No. 32), June 10, 1960. Applicant: NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio. Applicant's attorney: J. O. Ford, General Counsel (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Flint, Mich., and the port of entry on the International Boundary line between the United States and Canada at or near Port Huron, Mich., over Michigan Highway 21, serving no intermediate points, and for the purpose of joinder only at the International Boundary line between the United States and Canada at or near Port Huron, Mich. RESTRIC-TION: No shipments shall be transported that originate at or are destined to points in Canada.

No. MC 71452 (Sub No. 3), filed June 13, 1960. Applicant: W. C. SMITH, doing business as INDIANA FILM TRANSIT COMPANY, 4320 West Morris Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Booklets, pamphlets, catalogues, calendars, printed paper articles, paper books and display racks, between Indianapolis, Ind., and points in Indiana, Louisville, Ky., and Cincinnati, Ohio.

Note: Applicant is authorized to transport magazines by virtue of the authority now outstanding in No. MC 71452.

No. MC 105556 (Sub No. 31), filed June 1960. Applicant: HOUCK TRANS-PORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319, Securities Building, Billings, Mont. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Petroleum and petroleum products, in bulk, in tank vehicles, and (2) empty containers or other such incidental facilities (not specified), used in transporting the commodities specified in this application, on return, between Williston, N. Dak., and 10 miles thereof, to points in South Dakota on and north of U.S. Highway No. 212.

No. MC 110698 (Sub No. 139), filed June 14, 1960. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Rubber accelerator, in containers to be transported on the same tank vehicle as is used to transport liquid synthetic latex, in bulk, in tank vehicles, from Gastonia, N.C., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Note: Applicant presently holds authority to transport liquid synthetic latex in bulk, in tank vehicles, within the territory covered in this application. Duplication with present authority to be eliminated.

MOTOR CARRIER OF PASSENGERS

No. MC 59237 (Sub No. 8), filed May 31, 1960. Applicant: MID-CONTINENT COACHES, INC., 1206 Exchange Avenue, Oklahoma City, Okla. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, between Hinton Junction, Okla., and Geary Junction, Okla.: From a point known as Hinton Junction, at the intersection of U.S. Highways 281 and 66, over U.S. Highways 281 and 66 to a point approximately six (6) miles south of Geary, known as Geary Junction, and return over the same route.

Note: Applicant states it will serve no intermediate points as most of the route involves crossing the South Canadian River, and that the length of the proposed route is two (2) miles. Applicant further states it is under common management with Oklahoma Transportation Company and Southwest Coaches, Inc.; therefore, common control may be involved.

PETITIONS

No. MC 14781 (PETITION FOR CLAR-IFICATION AND MODIFICATION OF CERTIFICATE PURSUANT TO RULE 102 OF THE COMMISSION'S GENERAL RULES OF PROCEDURE), dated May 20, 1960. Petitioner: SAM GOTTRY CARTING COMPANY, 47 Parkway, Rochester, N.Y. Petitioner's attorney: Robert V. Ginniny, 25 Exchange Street, Rochester 14, N.Y. Certificate No. MC 14781 authorizes, among other things, the transportation of: Photostat machines and machinery requiring special equipment and handling, from Rochester, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Return with no transportation for compensation except as otherwise authorized, to the above-specified origin point. Petitioner prays that the Commission find: (1) That the petitioner has continuously, prior and subsequent to June 1, 1935, been providing within its authorized territory a complete heavy hauling service, transporting all commodities which because of size and

weight require the use of special equipment: (2) That the "machinery requiring special equipment and handling" portion of the commodity description contained in its present certificate has become ambiguous and subject to interpretation not comprehended at the time of issuance of this certificate; and (3) That because of the present ambiguity of petitioner's commodity description that the same should be modified to reflect accurately the specialized service of petitioner's operations before and after the critical date of June 1, 1935, and that said modification be in the following form: "Commodities, transportation of which because of size or weight require the use of special equipment and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment;" and that the Commission issue such order or orders and take such other action as it deems just and proper. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading. No. MC 19201 (PETITION FOR RE-

OPENING AND MODIFICATION OF CERTIFICATE), filed June 6, 1960. Petitioner: PENNSYLVANIA TRUCK LINES, INC., Pittsburgh, Pa. Petitioner's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Among other rights granted in Certificate issued March 5, 1943, petitioner is authorized to transport General commodities, except dangerous explosives, over regular routes, in the State of Pennsylvania, as follows: "Route 10-Between Harrisburg and Elizabethtown via U.S. Highway 230. Route 19—Between Lancaster and Bainbridge via Pennsylvania Highway 340, unnumbered highway, U.S. Highway 30 and Pennsylvania Highway 441. Route 20-Between Lancaster and Elizabethtown via U.S. Highway 30 and also via Pennsylvania Highways 72, 853 and 241. Route 20a-Between junction Pennsylvania Highways 72 and 853 and Lebanon via Pennsylvania Highway 72. Route 32-Between York and Mt. Wolf via Pennsylvania Highways 24 and 921. Route 34-Between York and Wrightsville via U.S. Highway 30", serving all intermediate points which are stations on the rail lines of the Pennsylvania Railroad Company. The service is subject to the following conditions: "No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through, or to, or from more than one of said points: Philadelphia, Lancaster, York, Harrisburg, Erie, and Warren, Pa.", which were later modified as to condition No. 3, as follows: "provided, however, that this condition shall not apply in connection with the movement of express and baggage (1) between Spring Creek, Pa., and Belle Valley. Pa.. and (2) between Garland, Pa., and Ludlow, Pa., over the routes above-described; and provided, further, that operation over these two routes shall be subject to the following condition, in lieu of the key-point restriction herein eliminated: Shipments transported shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, a prior or subsequent movement by rail". Petitioner prays that the proceeding MC 19201 be reopened solely and exclusively for the removal of the key-points of Lancaster and York, Pa., and a further modification of Condition No. 3 and that the Certificate MC 19201 be modified accordingly. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate

No. MC 117310 (SUBSTITUTION OF SHIPPER). Applicant: FRANK CICI-ONI, 117 West Washington Street, Shenandoah, Pa. Applicant's representative: Leonard G. Schumack, 100 South Main Street, Shenandoah, Pa. By letters dated March 16 and March 17, 1960, the above-named representative advised that Sorin, Inc., a shipper, was forced into bankruptcy and as a result of a creditor arrangement was permitted to reorganize. Part of the reorganization included a change of name to United Whiping Cloth Company. The above-referred-to letters have been accepted as a request for substitution of the United Whiping Cloth Company, as shipper, in lieu of Sorin, Inc. Any person or persons desiring to protest the substitution, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate protest.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7472 (HOUCK TRANSFER CO.—PURCHASE (PORTION)—JOHN H. COHEE), published in the March 16, 1960, issue of the FEDERAL REGISTER on page 2190. Petition filed June 10, 1960, to amend the applications under sections 5 and 210a(b), Interstate Commerce Act, covering operating rights by showing purchase of the entire operating rights of the vendor in lieu of a portion thereof. Additional operating rights sought to be transferred: Livestock, wool, grain, lumber, and ties, as a common carrier over irregular routes, from points in Crook County, Wyo., to rail heads in Crook County, and from points in Crook County, Wyo., to Rapid City and Belle Fourche, S. Dak.; feed and farm machinery, from Rapid City and Belle Fourche, S. Dak., to points in Crook County, Wyo.

No. MC-F 7490 (CITY TRANS-FER CO.—PURCHASE—GLENDALE TRANSFER AND STORAGE CO., INC.), published in the April 6, 1960, issue of the FEDERAL REGISTER on page 2937. Supplement filed June 10, 1960, to show joinder of ANGELO COLLETTI and HELEN COLLETTI, both of 2045 West-

ward Boulevard, Phoenix, Ariz., as the persons controlling vendee.

No. MC-F 7491, FARRAGUT BAGGAGE AND TRANSFER CO., INC.—PURCHASE—GEORGE E. STOMBS, JR., AND ASTRID STOMBS, (JAMES B. REIDY, TRUSTEE), published in the April 6, 1960, issue of the Federal Register on page 2937. Supplement filed June 10, 1960, to show joinder of ANGELO COLLETTI and HELEN COLLETTI, both of 2045 Westward Boulevard, Phoenix, Ariz., as the persons controlling vendee.

No. MC-F 7543 (TEXAS BUS LINES—PURCHASE—COASTAL COACHES, INC.), published in the May 25, 1960, issue of the Federal Register on page 4623. Supplement filed June 9, 1960, to show joinder of GALVESTON-HOUSTON COMPANY, Milam Building, Houston, Tex., as the party controlling vendee.

No. MC-F 7562. Authority sought for purchase by NAVAJO FREIGHT LINES. INC., 1205 South Platte River Drive, Denver 23, Colo., of the operating rights of FRED W. SCHULTZ (MYRON H. BURNETT, RECEIVER), doing business as DENVER-PUEBLO TRUCK LINES, P.O. Box 1256, Pueblo, Colo., and for acquisition by LAURENCE COHEN, also of Denver, of control of such rights through the purchase. Applicants' attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Operating rights sought to be transferred: General commodities, except dangerous explosives, liquids, in bulk, in tank-trucks, and articles of virtu, as a common carrier, over regular routes, between Denver, Trinidad, and Lamar, Colo., serving all intermediate points. Vendee is authorized to operate as a common carrier in New Mexico, California, Arizona, Texas, Colorado, Illinois, Nebraska, Missouri, Iowa, Nevada, Oklahoma, Kansas, Indiana, and Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7563. Authority sought for merger into DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo., of the operating rights and property of THE DENVER CHICAGO TRUCKING COMPANY, INC. OF KENTUCKY, 421 East Second Street, Owensboro, Ky., and for acquisition by GEORGE J. KOLO-WICH, JR., 45th Avenue at Jackson Street, Denver, Colo., RAYMUND F. KOLOWICH, 1204 Griswold Building, Detroit, Mich., DETROIT AND CLEVE-LAND NAVIGATION COMPANY, 1204 Griswold Building, Detroit, Mich. (in turn by JOHN C. FINAN, also of Detroit) and GRISWOLD BUILDING, INC., 1204 Griswold Building, Detroit, Mich. (in turn by RAYMUND F. KOLOWICH) of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be merged: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes, between Hatfield, Ind., and Owensboro, Ky., between Evansville, Ind., and Greenville, Ky., between Evansville, Ind., and St. Louis, Mo., between Vincennes, Ind., and Carriers Mills, Ill.,

between Louisville, Ky., and Owensboro. Ky. (restricted to the transportation of eastbound traffic originating at points in Kentucky and westbound traffic destined to points in Kentucky), between Louisville and Owensboro, Ky., on the one hand, and, on the other, the site of the Mathieson Hydrocarbon Chemical Corporation plant, near Doe Run, Ky., with no service between Louisville and Owensboro except as otherwise authorized, between Beaver, Dam, Ky., and Louisville, Ky. (with no service at Beaver Dam except as otherwise authorized and with service at Louisville restricted to traffic moving to or from Leitchfield and points between Leitchfield and Beaver Dam). between Central City, Ky., and Nashville, Tenn. (with service at Nashville restricted against the transportation of shipments originating at, destined to, or interchanged at Louisville, Ky., Evansville, Ind., and St. Louis, Mo.), and between Louisville, Ky., and Evansville, Ind., serving certain intermediate and off-route points; alternate routes for operating convenience only between Louisville, Ky., and Owensboro, Ky., and between Louisville, Ky., and Central City, Ky. (restricted to the transportation of eastbound traffic originating at points in Kentucky and westbound traffic destined to points in Kentucky); general commodities, except household goods, as defined by the Commission, between Evansville, Ind., and Beaver Dam, Ky., serving all intermediate points; general commodities, except those of unusual value, Class A and B explosives, and household goods as defined by the Commission, between Vincennes, Ind., and Princeton, Ind.; new furniture, from Beaver Dam, Ky., to Louisville, Ky., serving no intermediate points, and restricted to traffic moving from Livermore. Ky.; tile and clay products and materials used in the manufacture and packaging of tile and clay products, from Cloverport and Lewisport, Ky., to Louisville, Ky., and from Cloverport and Lewisport. Ky., to Owensboro, Ky., serving no intermediate points. Vendee is authorized to operate as a common carrier in Colorado, Washington, Wyoming, Utah, Idaho, Oregon, Illinois, Missouri, Kansas, Arizona, Iowa, California, New Mexico, New York, Massachusetts, Indiana, Nebraska, Ohio, Connecticut, New Jersey Pennsylvania, Rhode Island, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7564. Authority sought for purchase by LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle 4, Wash., of a portion of the operating rights of WATER-LAND TRUCK LINES, 8919 Miner Street, Los Angeles 2, Calif., and for acquisition by NATIONAL CITY LINES, INC., Prudential Plaza, Suite 3500, Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Berol and Geernaert, 100 Bush Street, San Francisco 4, Calif., and Glanz, Russell & Schureman, 639 South Spring Street, Los Angeles 14, Calif. Operating rights sought to be transferred: General commodities, except those of unusual value, and except Class A and B explosives, household

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goods as defined by the Commission, liquids in bulk, and commodities requiring special equipment, as a common cartier over irregular routes, between points in the Los Angeles, Calif., Harbor Commercial Zone, as defined by the Commission, on the one hand, and, on the other, certain points in California. Vendee is authorized to operate as a common cartier in Washington, Oregon and California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7565. Authority sought for purchase by SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill., of a portion of the operating rights of CREGER FREIGHT LINES, INC., Union Landing Road, East Riverton, N.J., (mail address Box 69, Riverton, N.J.), and for acquisition by WILLIAM S. HARRINGTON and JOHN T. BOYKE. both of Chicago, of control of such rights through the purchase. Applicants' attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Operating rights sought to be transferred: General commodities, excepting. among others, household goods and commodities in bulk, as a common carrier over regular routes, between Holyoke, Mass., and New York, N.Y., between Hartford, Conn., and Meriden, Conn., between Hartford, Conn., and New Haven, Conn., between Bridgeport, Conn., and Winsted, Conn., between Norwalk, Conn., and Danbury, Conn., and between Hartford, Conn., and Thomaston, Conn., serving all intermediate points and the off-route points of Westfield, Ludlow, Indian Orchard, East Longmeadow, and Chicopee Falls. Mass., New Britain and Watertown, Conn. Vendee is authorized to operate as a common carrier in Kansas, Nebraska, Missouri, Iowa, Illinois, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Indiana, Colorado, Kentucky, Minnesota, Maryland, Delaware, Maine, Wisconsin, Arkansas, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7566. Authority sought for purchase by DANIEL H. McCOLLISTER, doing business as McCOLLISTER'S EX-PRESS, Logan and Mitchell Avenues, Burlington, N.J., of the operating rights and property of WALTER SHETZLINE VILE, doing business as VILE'S MOTOR SERVICE, 340 West Broad Street, P.O. Box 254, Burlington, N.J. Applicants' attorney: Robert R. Hendon, Investment Building, Washington, D.C. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes, between Burlington, N.J., and Philadelphia, Pa., serving all intermediate points and the off-route points of Bordentown, Roebling, and Florence, N.J. Vendee is authorized to operate as a common carrier in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7569. Authority sought for purchase by CASSENS TRANSPORT

COMPANY, P.O. Box 473, Edwardsville. Ill., of a portion of the operating rights of SPEEDWAY TRANSPORTS, INC., 7933 Clayton Road, St. Louis 17, Mo., and for acquisition by ALBERT CASSENS, 302 Banner, Edwardsville, Ill., GEORGE CASSENS, P.O. Box 98, Hamel, Ill., and ARNOLD CASSENS, P.O. Box 67, Hamel, Ill., of control of such rights through the purchase. Applicants' attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be transferred: New automobiles, new trucks, new bodies, and automobile parts. in initial movements, in truckaway and driveaway service, as a common carrier over irregular routes, from places of manufacture and assembly in St. Louis. Mo., to points in Illinois and Indiana; automobiles, trucks, and bodies, and automobile parts, new, used, and unfinished, and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in Illinois and Missouri. Vendee is authorized to operate as a common carrier in Michigan Illinois, Missouri, Indiana, Ohio, Iowa, Kentucky, Nebraska, Wisconsin, Kansas, Montana, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7570. Authority sought for control and merger by MAINE FREIGHTWAYS, 185 Washington Avenue, Portland, Maine, of the operating rights and property of W. J. FOLEY TRUCKING CO., 48 Commercial Street, Portland, Maine, and for acquisition by DEAD RIVER COMPANY, Six State Street, Bangor, Maine, and, in turn, by CURTIS M. HUTCHINS, 304 Kenduskeag Avenue, Bangor, Maine, of control of such rights and property through the transaction. Applicants' attorneys: John L. Easton, Six State Street, Bangor, Maine, Mary E. Kelly, 10 Tremont Street, Boston 8, Mass., and John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be controlled and merged: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over irregular routes between Portland, Maine, on the one hand, and, on the other, points in Maine. MAINE FREIGHTWAYS is authorized to operate as a common carrier in Massachusetts, Maine, Rhode Island, New Hampshire, Vermont, Connecticut, New York, New Jersey, Pennsylvania, and Delaware. Application has been filed for temporary authority under section

No. MC-F 7571. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., of the operating rights and property of AIRTH EXPRESS, INC., 38 Stanton Street, Boston (Dorchester), Mass., and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., also of Menlo Park, of control of such rights and property through the purchase. Applicants' attorney: William J. Hickey, 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and com-

modities in bulk, as a common carrier over irregular routes between Boston, Cambridge, Brookline, Newton, and Watertown, Mass. Vendee is authorized to operate as a common carrier in Utah, Alaska, Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Washington, Kentucky, Michigan, Minnesota, Montana, Nebraska, Nevada, Wisconsin, Missouri, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, West Virginia, Wisconsin, Wyoming, Alabama, Hawaii, and Maryland. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7568. Authority sought for control by SIDNEY KUCHIN, 460 Harrison Avenue, Highland Park, N.J., and LEE JACOBS, 62 Patton Drive, New Brunswick, N.J., of TIGER BUS LINE, INC., doing business as TIGER BUS LINE, 285 John Street, Princeton, N.J. Applicants' attorney: James F. O'Brien, 17 Academy Street, Newark 2. N.J. Operating rights sought to be controlled: Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, as a common carrier over irregular routes, from Princeton, N.J., and points in New Jersey within 20 miles of Princeton, to Boston, Mass., Chicago, Ill., Arlington. Alexandria, and Mt. Vernon, Va., the District of Columbia, and points in Connecticut, Delaware, Maryland, New York, and Pennsylvania, and return. SIDNEY KUCHIN and LEE JA-COBS hold no authority from this Commission. However, they are officers of SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J., which is authorized to operate as a common carrier in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

Note: A petition has been filed concurrently for dismissal of the application for lack of jurisdiction.

No. MC-F 7572. Authority sought for purchase by B. K. W. COACH LINE, Hummels Wharf, Pa., of the operating rights of EDWIN T. LEPLEY (EDWIN E. LEPLEY AND ROY F. LEPLEY, AD-MINISTRATORS), AND ROY KLINE, doing business as LEPLEY & KLINE BUS LINE, Beaver Springs, Pa., and for acquisition by LESTER C. BUF-FINGTON, 10th and Maple Streets, Shamokin Dam, Pa., C. W. WILHOUR, R.D., Selinsgrove, Pa., and GORDON SHIPE, Catawissa Avenue, Sunbury, Pa., of control of such rights through the purchase. Applicants' attorney: Leonard R. Apfelbaum, 503 Bittner Building, Sunbury, Pa. Operating rights sought to be transferred: Passengers and their baggage, in charter operations, as a common carrier over irregular routes, from points located on U.S. Highway 522 between Middleburg and McClure, Pa., including said points, to points in New York, New Jersey, Virginia, West Virginia, Ohio and Delaware, and return. Vendee is authorized to operate as a common carrier in Pennsylvania, Virginia, Delaware, New Jersey, New York, Maryland, and the District of Columbia.

Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-5723; Filed, June 21, 1960; 8;48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 17, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36328: Fertilizer and materials—Butte, Mont., to Western Points. Filed by Trans-Continental Freight Bureau, Agent (No. 367), for interested rail carriers. Rates on phosphatic feed supplements, in carloads, as described in the application from Butte, Mont., to points in western-trunk-line and southwestern territories.

Grounds for relief: Market competition, modified short-line distance formula.

Tariff: Supplement 74 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

FSA No. 36329: Asphalt, oil, and tailings to New Mexico points. Filed jointly by the Atchison, Topeka and Santa Fe Railway Company (No. 88-A), and the Chicago, Rock Island and Pacific Railroad Company (No. 888), for interested rail carriers. Rates on asphalt, petroleum road oil and wax tailings, in tank-car loads from Artesia, N. Mex., and points in southwestern and Mid-Continent territorial groups to stations in New Mexico, on the AT&SF, CRI&P and Sou. Pac. railroads.

Grounds for relief: Truck competition and short-line distance formula.

Tariffs: Supplement 50 to Atchison, Topeka and Santa Fe, tariff I.C.C. 14812. Supplement 18 to Chicago, Rock Island and Pacific tariff I.C.C. C-13494.

FSA No. 36330: Liquid caustic soda—Saltville, Va., to Rome, Ga. Filed by O. W. South, Jr., Agent (SFA No. A3972), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Saltville, Va., to Rome, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 140 to Southern Freight Association tariff I.C.C. 1538.

FSA No. 36331: Substituted service—IC for Delta Motor Line, Inc. Filed by Southern Motor Carriers Rate Conference, Agent (No. 31), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Memphis, Tenn., on the one hand, and Jackson, Miss., and New Orleans, La., on the other, and between New Orleans, La., and Jackson, Miss., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Southern Motor Carriers Rate Conference tariff I.C.C. 33, MF-I.C.C. 1071.

FSA No. 36332: Class rates—Erie & St. Lawrence Corporation. Filed by Erie & St. Lawrence Corporation (No. 1), for interested carriers. Rates on various commodities moving on class rates loaded in trailers and transported over water, joint motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Erie & St. Lawrence Corporation between points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and Florida, on the other.

Grounds for relief: All-rail, joint rail-water, water-rail, and rail-water-rail competition.

Tariff: Erie & St. Lawrence Corporation tariff I.C.C. 13.

By the Commission.

[SEAL] HAROLD D. McCOY, Secretary.

[F.R. Doc. 60-5721; Filed, June 21, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Defense Air Transportation
Administration

[Order No. 7]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1–8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal year 1961.

FISCAL	1961	FLEET
	na 4	

	L	/C-4	
1220 V	88884	88909	90434
1221 V	88886	88912	90436
1437 V	88888	88921	90440
45346	88891	88922	90444
49529	88893	88934	90448
54373	88897	88935	90902
57670	88898	88938	90905
67067	88901	90407	90906
75298	88903	90423	
79999	88907	90427	
88819	88908	90428	
	D	C-6A	
401 US	6119 C	37590	90780
402 US	6258 C	37591	90788
566	6260 C	37592	90784
571	6541 C	37593	90785
630 NA	7822 C	37594	90808
640 NA	34955	37595	90809
650 NA	34956	37596	
660 NA	34957	9 077 7	
6118 C	34958	90779	

		-1049H	
101 R 468 C 469 C 1006 C 1007 C 1008 C 1009 C 1010 C 1927 H 5401 V	5402 V 5403 V 5404 V 6501 C 6502 C 6504 C 6911 C 6912 C 6913 C 6914 C	6915 C 6916 C 6917 C 6918 C 6919 C 6921 C 6922 C 6923 C 6924 C 6925 C	6931 C 6932 C 6933 C 6935 C 6936 C 6937 C 7131 C 7132 C 7133 C 7134 C
	L-	-1649 A	
7301 C 7302 C 7303 C 7304 C 7305 C 7306 C	7307 C 7308 C 7309 C 7310 C 7311 C 7312 C	7315 C	7320 C 7321 C 7322 C 7323 C
		-7C(F)	
731 PA 733 PA 734 PA	735 PA 736 PA 737 PA	746 PA 752 PA 754 PA	755 PA
	D	C-7(F)	
336 337 341	342 346 348	350 394 6341 C	6342 C 6344 C
		0C-7C	
732 PA 738 PA 739 PA 741 PA	742 PA 743 PA 744 PA 745 PA	5900 5901 5902 5908	5905 5906
	B_707_	(300 series)	
701 PA 702 PA 703 PA 704 PA 705 PA 706 PA 714 PA 715 PA 716 PA	717 PA 718 PA 719 PA 720 PA 721 PA 722 PA 723 PA 724 PA 725 PA	726 PA 727 PA 728 PA 729 PA 730 PA 761 TW 762 TW 763 TW 764 TW	765 TW 766 TW 767 TW 768 TW 769 TW 770 TW 771 TW 772 TW
		DC-8	
800 PA 801 PA 801 US 802 PA 802 US 803 PA	803 US 804 PA 805 PA 806 PA 807 PA 808 PA	8018 U 8021 U 8022 U 8023 U 8024 U 8025 U	8026 U 8027 U 8028 U 8029 U 8030 U
		any aircraft	

In the event any aircraft specified herein:

- 1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.
- 2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective July 1, 1960, and supersedes Aircraft Allocation Order No. 5, dated March 15, 1960, 25 F.R. 2602-2603, of March 26, 1960.

Dated: June 7, 1960.

THEODORE HARDEEN, Jr., Administrator, Defense Air Transportation Administration.

[F.R. Doc. 60-5738; Filed, June 21, 1960; 8:52 a.m.]

[Order No. 8]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense for fiscal year 1961 the aircraft identified herein by FAA registration number as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. Any aircraft in this reserve fleet may, at the direction of the Administrator, DATA, be added to the list of aircraft allocated by DATA Allocation Order No. 7, dated June 7, 1960, to replace an aircraft in the Civil Reserve Air Fleet that is determined by the Department of Defense to be unavailable.

CONTINGENCY RESERVE FLEET—FISCAL YEAR 1961

	L -1	649A	
7324 C · 7325 C	8081 H 8082 H	8083 H	8084 H
	DC	7–7 C	
284	288	292	296
285	289	293	297
286	290	294	
287	291	295	
	B-707 ((00 series)	
7 07 PA 7 08 PA	709 PA 710 PA	711 PA	712 PA

In the event any aircraft specified herein:

- 1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA,
- 2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective July 1, 1960, and supersedes Aircraft Allocation Order No. 6, dated

March 15, 1960, 25 F.R. 2602-2603, of March 26, 1960.

Dated: June 7, 1960.

THEODORE HARDEEN, Jr., Administrator, Defense Air Transportation Administration.

[F.R. Doc. 60-5739; Filed, June 21, 1960; 8:52 a.m.]

Office of the Secretary JOHN ROBERT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None. B. Additions: None.

This statement is made of June 14, 1960.

JOHN ROBERT JONES.

JUNE 14, 1960.

[F.R. Doc. 60-5731; Filed, June 21, 1960; 8:49 a.m.]

SAM NORRIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register during the last six months.

A. Deletions: Standard Oil Co. of N.J. B. Additions: Siegler Corp., Avionics Inc.

This statement is made as of June 12, 1960.

SAM NORRIS.

JUNE 12, 1960.

[F.R. Doc. 60-5732; Filed, June 21, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-47]

ORDNANCE MATERIALS RESEARCH OFFICE

Notice of Issuance of Facility License

No requests for hearing having been received following filing of a notice of proposed action with the Office of the Federal Register on March 23, 1960, the Atomic Energy Commission has issued Facility License No. R-65 to Ordnance Materials Research Office authorizing possession and operation of a light watermoderated and -cooled, pool-type, nuclear reactor located at Watertown Massachusetts. Watertown, Arsenal, Notice of the proposed action was published in the FEDERAL REGISTER on March 24, 1960, 25 F.R. 2504-2505.

Dated at Germantown, Md., this 14th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,

Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 60-5727; Filed, June 21, 1960; 8:49 a.m.]

[Docket 50-27]

WASHINGTON STATE UNIVERSITY

Notice of Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPRR-37 set forth below. The amendment extends the latest date for completion of construction of the reactor to be located in Pullman, Washington, to December 31, 1960, as requested by the applicant. The amendment also substitutes "Washington State University" for "State College of Washington" as the name of the holder of the permit to reflect the change in name of the University.

Dated at Germantown, Md., this 14th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,

Deputy Director, Division of

Licensing and Regulation.

[F.R. Doc. 60-5728; Filed, June 21, 1960; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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